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ABSTRACT

A partial revision of the 1982 manual of U.S. immigration law and regulations pertaining to foreign students and scholars is presented to assist foreign student advisers. This revision resulted from the new regulations of the Immigration and Naturalization Service (INS) concerning F and M students that went into effect August 1, 1983. In addition to an introductory section on immigration law, information is provided on nonimmigrant status and institutional responsibilities under INS regulations for F and M students. The following areas are covered: passports, visas, Form I-94 (arrival-departure record), alien registration and address report, extension of temporary stay, change of nonimmigrant classification, and departure, approval of schools for acceptance of F-1 and/or M-1 students, designated school officials, controls on issuing Forms I-20A-B and I-20M-N, recordkeeping and reporting requirements, withdrawal of school approval, restoration of duration of status, maintenance of status, employment, transfer of schools, postdoctoral students, visits abroad and reentry, change of status, and spouse/dependent status. Samples of new immigration forms are included, including the new Forms I-20A-B, I-20M-N, and I-20 ID copy. Student and school regulations are appended. (SW)

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Emendations Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholars

National Association for Foreign Student Affairs, 1983

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Copies of this partial revision may be ordered from the Publications Order Desk, National Association for Foreign Student Affairs, 1860 19th Street, N.W., Washington, D.C. 20009. Cost for postage and handling is \$5 per copy.

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Acknowledgments

The NAFSA Field Service Program is grateful to the many persons who contributed their time, efforts, and expertise to this partial revision of the *Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholars*, which was first published in 1975. This revision was prompted principally by the publication in April 1983 of new regulations governing F and M students to be effective August 1, 1983. The writers and producers of the *Manual* worked under the most difficult time pressures in an attempt to have the revision published and distributed by early fall, when it would be most needed by advisers. Their success in doing so is a measure of their commitment to excellence in international educational exchange programs.

The members of the revision team, all present or past members of the NAFSA Government Regulations Advisory Committee, were:

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Georgia Stewart served as staff consultant to the writing team. The team was substantially assisted by the consulting services of two private immigration attorneys, Hope Frye of Cincinnati and Donald Ungar of San Francisco. NAFSA and the revision team extend special thanks to them.

The Central Office of the Immigration and Naturalization Service spent many hours reviewing the manuscript, provided many useful suggestions, and was generous in offering guidance from the point of view of the INS. Their contributions were invaluable. However, their assistance with the revision should in no way be interpreted as official INS endorsement of the *Manual*. The team did not always agree with or accept the interpretations, since the *Manual* is written from the NAFSA point of view rather than that of the INS.

Finally, the Field Service Program acknowledges with sincere gratitude the generous financial support of the United States Information Agency Bureau of Educational and Cultural Affairs, which made the writing, publication, and distribution of the *Manual* possible.

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*Included in the 1982 edition of the *Manual*.

EMENDATIONS

The following emendations to the text of the *Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholars* are changes mandated by new Immigration and Naturalization Service (INS) regulations published on April 5, 1983, or by information which has become available since publication of the last edition of the *Manual* in 1982. Readers should mark the 1982 edition of the *Manual* with these changes.

Section 2

Replace with pages 7-12 herewith.

Section 3

Replace with pages 13 to 24-31 herewith. Section 3 is replaced by three new parts: Section 3, Institutional Responsibilities under INS Regulations for F and M Students; Section 3F, Student (F) Status; and Section 3M, Student (M) Status.

Section 4

P. 25, col. 1, Sec. 4.1.1:

Replace lines 10-11 with: tary of State (now the U.S. Information Agency) for the purpose of teaching,*

P. 25, col. 1:

*Replace footnote with: *In 1978 the newly created International Communication Agency assumed the duties of the former Bureau of Educational and Cultural Affairs of the Department of State. Early in 1983, the name of that agency was changed to the U.S. Information Agency. Therefore, references in legislation and regulations to the Department of State or USICA relating to educational and cultural affairs should now be to the U.S. Information Agency. All references to USICA in the *Manual* should now read USIA.*

P. 26, col. 1:

*Replace first line of footnote with: *In June 1981, the Exchange Visitor Facilitative Staff*

P. 26, col. 2:

Replace first two lines of second full paragraph with: The Chief of the Exchange Visitor Facilitative Staff recommends that schools document stu-

P. 28, col. 1:

Replace "Programs Designation" with "Facilitative" in lines 2, 5, and 10-11 of Section 4.2.1.

P. 28, col. 1:

Replace line 26 in Section 4.2.1 with: Visitor Programs Designation Staff, now known as the Exchange Visitor Facilitative Staff]. Since October 1

P. 28, col. 2:

Replace line 4 with: care. Failure to complete each section of the Form IAP-66 could result in delays in the issuance of visas. If information about date and place of birth is not available to the Responsible Officer, the alien can be asked to fill it in on the form. If information for any other section is unavailable, the Responsible Officer should attach an explanation to the form. Special attention should be given to

P. 30, col. 2:

Replace line 15 in Section 4.5.2 with: some very specific criteria that USIA plans to disseminate by fall 1983. Opportunities for Exchange Visitor scholars to accept any employment in industry concurrent with a university teaching or research appointment are expected to be limited to situations in which the outside employment is clearly secondary to the university position, is directly related to the scholar's academic objective, and serves to further the acquisition of skills or knowledge in his area of specialization. The Exchange Visitor spon-

P. 31, col. 1, Sec. 4.6.2:

*Replace the current paragraph "d" with: d. Professional trainees: for alien physicians in the United States for a program of graduate medical education and training, the stay is normally limited to the time required to complete the program, up to a maximum of seven years. [22 CFR 514.3(a)(4), *Federal Register*, April 20, 1983, page 16882]*

P. 31, col. 2:

Add new paragraph to close of Section 4.6.3: INS offices have the authority to grant Exchange Visitors permission to remain in the U.S. up to six months beyond the three-year limit. Any request for a longer

period of time past that limit must be referred to USIA for an advisory opinion. Since the latter process can be quite time consuming, it would be wise to keep such requests below six months if the early receipt of a decision is important.

P. 33, col. 2:

Replace line 15 of Section 4.9.1.2 with: 1978. A new Exchange Visitor Skills list is anticipated by the end of 1983. A number of changes are expected. Copies of the Exchange Visitor Skills List are

P. 34, col. 2:

Delete from lines 1-3: See Appendix 7 for list of U.S. Government agencies that can apply for a waiver on these grounds.

(Note: This list has been deleted because many of these review boards are no longer operating and government agencies follow varying practices in recommending waivers.)

P. 35, col. 1:

Replace last 12 lines with: Visitor may be limited in his eligibility to change to another nonimmigrant status. If he did not come to the U.S. to receive graduate medical education or training, is not subject to the two-year home country residence requirement, or has had that requirement waived, he may apply for change to any other nonimmigrant status for which he is qualified. (Section 248 of the Act was amended in December 1981 to permit this.) If the Exchange Visitor is subject to the two-year home country residence requirement, he is eligible to change only to A (diplomatic or government official) or to G (international organization) status provided that he is accredited by the foreign government or international organization to the Department of State. [Act, 248; 8 CFR 248.2]

P. 35, col. 2:

Delete last 11 lines

P. 36, col. 1:

Delete first 7 lines

P. 36, col. 1, Sec. 4.11.1:

Replace the last line of column 1 with: incidental elements of patient care." [22 CFR 514.1] This program may consist of a medical specialty and a directly related medical subspecialty or either of the two. [22 CFR 514.1, *Federal Register*, April 20, 1983, p. 16881]

P. 37, col. 1, Sec. 4.11.5:

At the conclusion of paragraph 1 add: (Beginning in July 1984, an examination called the Foreign Medical Graduate Examination in the Medical Sciences will take the place of both the VQE and the ECFMG medical examinations.)

P. 37, col. 2, Sec. 4.11.6:

At the conclusion of the Section add: The VQE will be replaced by the Foreign Medical Graduate Examination

in the Medical Sciences, scheduled for its first administration in July 1984.

P. 37, col. 2, Sec. 4.11.7:

At the conclusion of the Section add: The ECFMG examination will not be given after July 1984. Its place will be taken by a two-day Foreign Medical Graduate Examination in the Medical Sciences. Information about the new examination is available from the ECFMG at the address given in Section 4.11.4.

Section 5

P. 44, col. 2, Sec. 5.3.1.3:

Change the citation at the end of the paragraph to: [8 CFR 214.2 (h)(2)(v), *Federal Register*, February 3, 1983, p. 4768]

P. 45, col. 2:

Replace line 17 with: countries." [22 CFR 514.1] Since an Exchange Visitor

Section 6

P. 47, col. 1, Sec. 6.1:

Replace lines 31 and 32 with: conditions. Those classes in which employment is not permitted are B-2, F-2, D, H-4, L-2, M-2, C-1, and transit

P. 48, col. 1, Sec. 6.2.2:

Replace line 14 with: business (B-1) and visitors for pleasure (B-2). Under certain circumstances a B-2 visa can also be issued to prospective students (see Section 6.2.2.3). In addition-

P. 48, col. 2, Sec. 6.2.2.2:

Delete second paragraph: "A B-2 visa can . . . to student status once inside the U.S."

P. 48, col. 2:

Add new subsection: 6.2.2.3. *B-2 status (prospective student).* A B-2 visa can also be issued to a person who (i) intends to become an F-1 student but has not yet chosen a school here, and who wishes to visit more than one school before making a selection; or (ii) has been admitted as an F-1 or M-1 student to a particular U.S. school and has a Form I-20A-B or Form I-20M-N from that school, but intends to enter the U.S. more than ninety days before school opens; or (iii) has credible evidence of admission to a U.S. school as an F-1 student but does not have a Form I-20A-B; or (iv) needs to be in the U.S. to take an examination or have an interview required for admission to a school as an F-1 student. (Note that only condition (ii) applies to prospective M-1 students.) The consular officer should write the words "prospective student" on the passport page that bears the B-2 visa. [*Foreign Affairs Manual*, Vol. 9] That notation on the visa page is conducive to favorable INS action on the alien's subsequent application to change from B-2 to F-1 or M-1 status (see Sections 3F.13.1 and 3M.12.1). Unfortunately it is not uncommon

mon for consular officers to neglect to mark the B-2 visas that are given to "prospective students," and in the absence of that notation the alien can experience difficulty in securing a change to student status once inside the U.S.

P. 48, col. 2, Sec. 6.2.2.3:

Replace Section number with: 6.2.2.4

P. 50, col. 2, Sec. 6.5:

Replace lines 6 and 7 with: that are given in 22 CFR 41.125(g). Aliens in B, F, M, and J status are *not* eligible for this service.

P. 51, col. 1, Sec. 6.6.1:

Replace lines 7 through 10 with: Those in J status who are subject to the two-year foreign residence requirement can change only to A or G status. If an alien in J status did not come to the U.S. to receive graduate medical education or training, is not subject to the two-year foreign residence requirement, or has been granted a waiver of that requirement, he can change to any other nonimmigrant status for which he qualifies.

P. 51, col. 1, Sec. 6.6.4:

*Replace Section with: **Changes of classification with no application and fee.*** According to regulations, neither a formal application (on Form I-506) nor a fee is required to apply for a change from B-2 to B-1 status; from F-1 to F-2, from J-1 to J-2, from L-1 to L-2, or from M-1 to M-2, or vice versa; or from any of the H classifications to another H classification. The applicant for a change of status within the same letter classification must submit a letter to the INS office having jurisdiction over his place of temporary residence in the U.S. requesting the change of nonimmigrant classification. [8 CFR 248.3] Regulations do not require that a completed Form I-506 be submitted in connection with such an application; however, some INS district offices request the completion of Form I-506.

Section 7

P. 54, col. 2, Sec. 7.4.2.1.2:

Replace the last line with: long-time U.S. government employees abroad, investors who qualified as investors before June 1, 1978, and certain foreign medical graduates who have been practicing medicine in the U.S. since January 1978.

P. 56, col. 2, Sec. 7.4.4.1:

Replace the last four lines of the paragraph with: who were previously excluded or were deported within the past five years; (3) aliens who lack proper documentation; and (4) aliens who are ultimately ineligible for U.S. citizenship. [Act 212(a)(1-33)]

P. 57, col. 1, Sec. 7.4.4.2.1:

Add this new paragraph to the Section: The VQE will be replaced, effective in July 1984, with a new examination called the Foreign Medical Graduate Examina-

tion in the Medical Sciences. The new examination will also take the place of the ECFMG examination discussed in the next Section.

P. 57, col. 1, Sec. 7.4.4.2.2:

Add this sentence to the Section: In July 1984, a new Foreign Medical Graduate Examination in the Medical Sciences will take the place of both the ECFMG examination and the Visa Qualifying Examination (see the preceding Section).

P. 57, col. 1, Sec. 7.4.4.2.3:

Replace first five lines of paragraph 2 with: 1. Alien medical doctors who were on January 9, 1978, fully and permanently licensed to practice medicine in a state, and who

P. 59, col. 1, Sec. 7.5.2.3:

Replace last three lines of paragraph preceding 7.5.3 with: Legislation passed in December 1981 made all investors who qualified as investors before June 1, 1978, eligible for designation as special immigrants; they would thus be able to obtain permanent resident status at once. All other investors qualify only for nonpreference classification, and immigrant visas are currently not available to them (see Section 7.4.3.3.7).

P. 64, col. 1, Sec. 7.7.2.2:

Add to line 3 after (see Section 7.4.2.1.1): and certain foreign medical graduates who have been practicing medicine in the U.S. since January 9, 1978, are ineligible. . . .

P. 67, col. 1, Sec. 7.10.2:

Replace entire section with: 7.10.2. **Alien Address Reports.** Even after an alien has achieved status as a permanent resident of the U.S., he must comply with certain requirements imposed on all aliens. The immigrant alien must submit the Alien's Change of Address Card, Form AR-11, to INS any time he changes his address. This requirement applies until the alien becomes a naturalized U.S. citizen. [Act 265, 8 CFR 265.11]

P. 67, col. 2, Sec. 7.11.2:

Replace lines 6-10 with: [8 CFR 223] A reentry permit is valid for a period of two years and is not renewable. A reentry permit may be used as a travel document in lieu of a passport if the immigrant

Section 8

P. 70, col. 2, Sec. 8.3.2.3:

Replace last two lines of paragraph 1 with: benefit involved was filed on Form IAP-66, but a fee of \$50 is now required if the initial application was filed on Form I-538. [8 CFR 103.7]

P. 73, col. 1, Sec. 8.4.4:

Replace lines 8-10 of last paragraph with: An alien who is deported is ineligible for readmission to the U.S. within five years of deportation unless he first secures

INS permission to return. There is no such restriction upon the alien who

P. 73, col. 2, Sec. 8.5.1:

Replace the last four lines of the concluding paragraph with these new paragraphs: The foreign student adviser must assist such an alien in securing the waiver and the new visa by submitting the following information at least one month in advance of the alien's trip outside the U.S. to the Coordination Division, Visa Office, Department of State, 2401 E St., N.W., Room 1320, Washington, DC 20520 [(202) 632-2949]: (1) name, (2) sex, (3) date and place of birth, (4) occupation in home country, (5) employer in home country, (6) description of research/study, (7) date of departure from U.S., (8) date of return to the U.S., (9) U.S. consulate or embassy at which the visa will be requested, (10) length of time the scholar or student will remain in the U.S. upon return.

Also included should be copies of (1) the expired U.S. visa, (2) Form I-94, (3) Form IAP-66 which the Exchange Visitor will use to reenter the U.S. In the event that the alien must secure a Canadian or Mexican nonimmigrant visa, the Coordination Division of the Visa Office will send a letter to the appropriate Canadian or Mexican consulate in the U.S. indicating that the new U.S. visa will be approved. Without this notification, the Canadian and Mexican consular officers are normally unwilling to grant visas to aliens with the 212(d)(3)(A)(28) notation.

P. 73, col. 2, Sec. 8.5.2:

In paragraph 3, delete from lines 2 and 5: and CHINEX Also, add new paragraph to end of Section: CHINEX aliens no longer require advance authorization from the Visa Office for extensions of stay, but like SPLEX

aliens, they *do* require such authorization in order to reenter the U.S. after a temporary absence. For this purpose, the same procedure must be followed as that described in Section 8.5.1.

P. 74, col. 2:

Add new Section after 8.6.2.5: 8.6.2.6. Employment for refugees and asylum applicants. Refugees are automatically granted authorization to accept employment upon entry to the U.S., but aliens applying for asylum must request employment authorization at the time they apply for asylum. If employment authorization is not granted, the asylum applicant is not eligible to accept employment. INS will consider a number of factors in making this determination, including the financial need of the applicant.

Appendix 2

P. 78:

Delete: I-20

I-53

Add: I-20A-B Certificate of Eligibility for Non-immigrant (F-1) Student Status

I-20M-N Certificate of Eligibility for Non-immigrant (M-1) Student Status

I-20 ID copy

I-515 Notice to Student or Exchange Visitor

Correct title of I-129F to: Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa

Appendix 3

P. 96-97:

Form I-94 on these pages is replaced with new Form I-94 on page 81.

SECTION 2

NONIMMIGRANT STATUS

2.1 Nonimmigrant Classes

A nonimmigrant is any alien whose reason for coming to the U.S. involves a temporary stay that will end when its purpose has been accomplished.

Nonimmigrant visas are issued in accordance with provisions of Section 101(a)(15) of the Immigration and Nationality Act (Act), as amended. Most students receive F-1 visas and enter the U.S. in F-1 status if they are entering the U.S. to pursue a full course of study in an academic institution or to engage in language training or in M-1 status if they are entering the U.S. for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution. Some are in J-1 status. Foreign scholars (professors, researchers) are usually in J-1 or H-1 status.

The *Manual* contains sections on each of the nonimmigrant classifications most frequently encountered by personnel working in the field of international educational exchange, viz., F students (Section 3F), M students (Section 3M), J Exchange Visitors (Section 4), and H temporary workers or trainees (Section 5). Section 6 gives brief information about other nonimmigrant classes.

The Act, as amended, designates the 37 nonimmigrant classes listed below (see Committee print of the Immigration and Nationality Act, 7th edition, pp. 212-213). The different classes of nonimmigrants are known by the sub-letter of the immigration law concerning their class. For example, Sec. 101(a)(15)(F)(i) of the Act, as amended, is the full reference for what is commonly called the F-1 student.

NONIMMIGRANTS

Visa Symbol	Class	Section of Law
A-1	Ambassador, public minister, career diplomat or consular officer, and members of immediate family	101(a)(15)(A)(i)
A-2	Other foreign government official or employee, and members of immediate family	101(a)(15)(A)(ii)
A-3	Attendant, servant, or personal employee of alien classified A-1 or A-2, and members of immediate family	101(a)(15)(A)(iii)
B-1	Temporary visitor for business	101(a)(15)(B)
B-2	Temporary visitor for pleasure	101(a)(15)(B)
C-1	Alien in transit	101(a)(15)(C)
C-2	Alien in transit to United Nations Headquarters District under Section 11 (3), (4), or (5) of Headquarters Agreement	101(a)(15)(C)
C-3	Foreign government official, members of immediate family, attendant, servant, or personal employee, in transit	212(d)(8)
D	Crewman (seaman or airman)	101(a)(15)(D)
E-1	Treaty trader, spouse, and children	101(a)(15)(E)(i)
E-2	Treaty investor, spouse, and children	101(a)(15)(E)(ii)
F-1	Student in academic or language program	101(a)(15)(F)(i)
F-2	Spouse or child of student in academic or language program	101(a)(15)(F)(ii)
G-1	Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family	101(a)(15)(G)(i)

G-2	Other representative of recognized foreign member government to international organization, and members of immediate family	101(a)(15)(G)(ii)
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family	101(a)(15)(G)(iii)
G-4	International organization officer or employee, and members of immediate family	101(a)(15)(G)(iv)
G-5	Attendant, servant, or personal employee of alien classified G-1, G-2, G-3, or G-4, and members of immediate family	101(a)(15)(G)(v)
H-1	Temporary worker of distinguished merit and ability	101(a)(15)(H)(i)
H-2	Temporary worker performing services unavailable in the U.S.	101(a)(15)(H)(ii)
H-3	Trainee	101(a)(15)(H)(iii)
H-4	Spouse or child of alien classified H-1, H-2, or H-3	101(a)(15)(H)
I	Representative of foreign information media, spouse, and children	101(a)(15)(I)
J-1	Exchange visitor	101(a)(15)(J)
J-2	Spouse or child of exchange visitor	101(a)(15)(J)
K-1	Fiancee or fiancé of U.S. citizen	101(a)(15)(K)
K-2	Child of fiancée or fiancé of U.S. citizen	101(a)(15)(K)
L-1	Intracompany transferee	101(a)(15)(L)
L-2	Spouse or child of alien classified L-1	101(a)(15)(L)
M-1	Student in vocational or other recognized nonacademic institution	101(a)(15)(M)(i)
M-2	Spouse or child of student in vocational or other recognized nonacademic institution	101(a)(15)(M)(ii)
NATO-1	Principal permanent representative of member state to NATO (including any of its subsidiary bodies) resident in the U.S. and resident members of his official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General, and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family	Art. 12, 5 U.S.T. 1094; Art. 20, 5 U.S.T. 1098
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies) including representatives, advisers, and technical experts of delegations, and members of immediate family; dependents of member of a force entering in accordance with provisions of the NATO Status-of-Forces Agreement or in accordance with the provisions of the "Protocol on the Status of International Military Headquarters"; members of such a force if issued visas	Art. 13, 5 U.S.T. 1094; Art. 1, 4 U.S.T. 1794; Art. 3, 4 U.S.T. 1796
NATO-3	Official clerical staff accompanying a representative of member state of NATO (including any of its subsidiary bodies) and members of immediate family	Art. 14, 5 U.S.T. 1096
NATO-4	Officials of NATO (other than those classifiable under NATO-1) and members of immediate family	Art. 18, 5 U.S.T. 1098
NATO-5	Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO; and their dependents	Art. 21, 5 U.S.T. 1100
NATO-6	Members of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement; members of a civilian component attached to or employed by an Allied Headquarters under the "Protocol on the Status of International Military Headquarters" set up pursuant to the North Atlantic Treaty; and their dependents	Art. 1, 4 U.S.T. 1974; Art. 3, 5 U.S.T. 877

2.2 Passports

2.2.1. **Definition.** A passport is defined in the Act as any travel document issued by competent authority showing the bearer's origin, identity, and nationality, if any, which is valid for entry of the bearer into a foreign country. [Act 101(a)(30)] In this context, a passport may encompass documents other than those traditionally thought of as a "passport," and may, in fact, be a set of documents such as a certificate of identity and a reentry permit for the country issuing the documents. A passport permits its bearer to return to the issuing country, *usually* the country of the bearer's nationality.

2.2.2. **Travel documents in lieu of passport.** Some foreign people will have travel documents other than passports. The most common is a Certificate of Identity (CI), sometimes held by Hong Kong students who were born in mainland China. The bearer of a CI is usually a person who is not a *citizen* of the foreign state issuing the CI, but is a *resident* of that state who, for some reason, cannot or will not obtain a travel document from the foreign state of his original citizenship.

Individuals who are refugees may hold refugee travel documents issued by countries signatory to the United Nations Convention Relating to the Status of Refugees.

In this *Manual*, the term "passport" encompasses travel documents which are used in lieu of passports.

2.2.3. **Validity of a passport.** A passport shows the date of its issuance and the date to which it is valid (its expiration date). The period of validity of a passport varies according to the regulations and procedures of the issuing country, and may range from one to several years.

2.2.4. **Passport requirements for nonimmigrants.** With certain exceptions, any alien applying for a U.S. visa or seeking admission at a U.S. port of entry must have a passport. The most common exceptions encountered in educational institutions are Canadian nationals and landed immigrants having a common nationality with Canadian nationals who are entering the U.S. from within the Western Hemisphere [8 CFR 212.1(a)], and natives and residents of the Trust Territory of the Pacific Islands who have proceeded in direct and continuous transit from the Trust Territory to the United States [8 CFR 212.1(d)].

Other exceptions to the passport requirement are described in 8 CFR 212.1.

The passports of all nonimmigrants must be kept valid for a minimum period of six months into the future. Some countries have entered into agreements

with the U.S. Government acknowledging that a passport is valid for six months beyond the expiration date shown in the passport itself. Bearers of passports from these countries may remain in the U.S. up to the expiration date shown in the passport, as long as no other INS regulations would prohibit such a stay. Countries which have passport validity agreements with the U.S. are the following:

Algeria	Kuwait
Australia	Laos
Austria [Reisepass only]	Lebanon
Bahamas, The	Libya
Bangladesh	Liechtenstein
(travel permit and passport)	Luxembourg
Belgium	Madagascar
Bolivia	Mauritius
Brazil	Mexico
Cambodia (Kampuchea)	Monaco
Canada	Morocco
Chile	Netherlands
Colombia	New Zealand
Costa Rica	Nicaragua (diplomatic and
Cuba	official passports only)
Cyprus	Nigeria
Denmark	Norway
Dominican Republic	Pakistan
Ecuador	Panama
Egypt	Paraguay
El Salvador	Peru
Ethiopia	Philippines
Finland	Portugal
France	Qatar
Germany (F.R.G.)	Senegal
(Reisepass and	Soviet Union (U.S.S.R.)
Kinderausweis)	(seamen only)
Greece	Spain
Guatemala	Sri Lanka (Ceylon)
Guinea	Sudan
Guyana	Sweden
Honduras	Switzerland
Iceland	Syria
India	Thailand
Iran	Togo
Ireland	Trinidad and Tobago
Israel	Tunisia
Italy	Turkey
Ivory Coast	United Kingdom
Jamaica	Uruguay
Japan	Venezuela
Korea	Yugoslavia

[Public Notice 766 published 46 F.R. 39718, August 4, 1981, and revised April 5, 1983]

2.2.5. **Revalidation of a passport.** Foreign passports may be revalidated in the U.S. by the designated representatives of foreign governments, usually officials of the consular section of the government's embassy in Washington, D.C., or officials of the consulates located in various U.S. cities. A foreign student or scholar who needs to revalidate his passport should consult his embassy or consulate to determine what procedures are required to secure revalidation. Among other things,

he may need a letter from an official of his educational institution certifying his status.

2.3 Visas

2.3.1. Definition. A visa to enter the U.S. as a nonimmigrant is a stamped entry on a page of the passport. It enables the passport's bearer to request the immigration officer at the port of entry to grant him admission to the U.S. under conditions specified for the type of visa the bearer holds.

The nonimmigrant visa stamp, as can be seen in the sample reproduced in Appendix 4, contains the following information: the number of the visa; the title and location of the issuing office; the classification of the visa; the date of issuance; the expiration date or the word "indefinitely" if, on the basis of reciprocity with the bearer's home government, a visa with indefinite validity is issued; the number of applications for admission to the U.S. for which it is valid, or the word "multiple" in cases where an indefinite number of applications for admission are allowed during the visa's period of validity; the name of the bearer or the notation "Bearer" or "Bearer and Dependents named in Passport"; the word "gratis" if there was no fee for the visa; and the signature and title of the issuing officer. [22 CFR 41.124(c)]

There is very often confusion between the term "visa," which gives a person permission to apply for entry to the U.S., and the terms "Arrival-Departure Record," "I-94," or "permission to stay." The latter terms refer to a person's *permission to remain in the U.S.* after having entered (see Section 2.4). A person's *visa* need not remain valid once he has used it to gain admission to the U.S. His *permission to stay*, by contrast, must be kept valid.

Confusion also surrounds the terms "visa" and "status." The "visa" is stamped in the alien's passport and is used for entering the U.S.; the alien is said to be in a particular immigration "status" once in the U.S. But the type of visa stamped in the passport may not be the same as the status in which the alien is in the U.S. An alien may enter the country with one type of visa (e.g., B-2 visitor) and subsequently have his "status" changed to another one, such as F-1 student. This change will be noted on the Form I-94 of the alien, who will then be in "F-1 status" even though the visa stamped in his passport is a B-2 visa. He will have one type of visa and a different type of status.

2.3.2. Visa requirements for nonimmigrants. With certain exceptions, all aliens applying for admission to the U.S. must hold valid visas. The exceptions to this requirement are generally the same as the exceptions to the passport requirement. Note, however, that a Canadian national who is entering the U.S. from outside the Western Hemisphere must have a passport, but not a visa. (See Section 2.2.4 and 8 CFR 212.1.)

2.3.3. Requirements for obtaining a visa. Application for a nonimmigrant visa usually requires a personal appearance before the consular officer assigned to the applicant's consular district, completion of Form OF 156 (Application for Nonimmigrant Visa and Alien Registration), and the provision of such other documents as the consular officer may require in order to be satisfied that the applicant is eligible for the nonimmigrant visa for which he is applying. These other documents will include the appropriate Certificate of Eligibility (Form I-20A-B, Form I-20M-N, or Form IAP-66) for student or Exchange Visitor applicants, an approved petition for temporary worker or trainee applicants, or other documents for applicants for other types of visas. The required documents might also include evidence of adequate financial resources, evidence of competence in the English language, evidence of educational attainments, photographs, and police certificates. [22 CFR 41.110-41.117]

2.3.4. Function of consul in issuing nonimmigrant visas. "An applicant for a nonimmigrant visa shall be presumed to be an immigrant until he establishes *to the satisfaction of the consular officer* that he is entitled to a particular nonimmigrant status. . . . The burden of proof is upon the applicant to establish that he is entitled to the nonimmigrant classification and type of nonimmigrant visa for which he is an applicant." [22 CFR 41.10] (Emphasis added.)

In accordance with this and with the preceding paragraph, the consul *has discretion* to require whatever evidence he thinks is necessary to demonstrate that an applicant for a nonimmigrant visa is eligible for such a visa. Consuls operate under guidelines furnished by the Visa Office of the Department of State, but they retain discretionary authority concerning most requirements they may make of applicants for nonimmigrant visas.

If a consul has reason to assume that a visa applicant is not a *bona fide* nonimmigrant, he may deny that person a visa. The most common reason for denying a visa is that the person cannot convince the consular officer that he has a residence in a foreign country which he has no intention of abandoning. In this case a person may attempt to convince the consul that he has both need and reason to return to his foreign residence. This may be done in a variety of ways, such as showing evidence of a job offer or a job to which he can return, ownership of property, or delineation of family ties and responsibilities.

School officials who become aware of specific situations in which they believe a consul is making unreasonable requirements of a specific visa applicant can contact the consul and request reconsideration of the application. A school official also can furnish details of the situation to the Visa Office and request that office to insure that the consul is following established guidelines. While the Visa Office has no formal authority to override the decision of a consular officer who is legit-

imately exercising his discretion, a Visa Office inquiry to a consular officer can have some influence on his decision. There is no formal appeal from a consul's denial of a visa application.

2.4 Form I-94 (Arrival/Departure Record)

2.4.1. **General.** Every alien entering the U.S. temporarily (with a few exceptions, such as tourists from Canada and, under certain circumstances, Mexican nationals who hold U.S. border crossing cards) is issued an Arrival/Departure Record, or Form I-94. A sample Form I-94 is reproduced in Appendix 3. When the alien enters the U.S., the Arrival Record of the Form I-94 is detached and kept by the Service. The Departure Record is given to the alien. It is usually stapled into the alien's passport on the same page as the one on which the visa has been stamped.

The Form I-94 shows the alien's immigration classification and endorsements made by immigration officers to indicate the place and date of the alien's admission to the U.S. and the initial period of stay authorized. If the alien is classified as other than an F-1 or M-1 nonimmigrant, the Form I-94 also shows any extensions of stay authorized, any change of nonimmigrant classification, and any other INS actions affecting the alien. If the alien is an F-1 or M-1 student, actions taken by the Service are recorded on Form I-20 ID copy (see Sections 3, 3F, and 3M).

2.4.2. **Replacement of lost Form I-94.** To replace a Form I-94 which has been lost or mutilated, an alien applies to INS on Form I-102 (see Fee Schedule, Appendix 1). If a photocopy of the lost Form I-94 can be submitted with Form I-102, processing time may be greatly reduced and the INS office involved may not charge for the replacement. An adviser may wish to retain a photocopy of Form I-94 in each student's file, or advise students to retain a copy.

2.5 Alien Registration and Address Report

2.5.1. **Registration.** All aliens admitted to the U.S. must be registered for immigration purposes. Initial registration is effected when the alien applicant applies for a visa. [Act 221(a) and (b), 261, 262, 264]

Form I-94, the Arrival-Departure Record, serves as the registration form for aliens admitted as nonimmigrants. [8 CFR 264.1 (a)]

Until 1970, the U.S. government assigned an "alien registration number" to all immigrants and to nonimmigrants admitted to the U.S. as F-1 students and J-1 Exchange Visitors. The alien registration number begins with the letter "A" followed by eight digits. Since 1970, an alien registration number is routinely assigned only to immigrants and to those nonimmigrants having classification as J-1 Exchange Visitors and K fiances or fiancées. Alien registration numbers may also be assigned in cases involving nonroutine applications, nonimmi-

grants under proceedings, and other unusual circumstances. Thus, many foreign students now in the U.S. do not have an alien registration number.

Form I-551, the Alien Registration Receipt Card, is the registration form for aliens admitted as immigrants or who become immigrants through adjustment of status. It is a rectangular laminated card, 2 1/8" x 3 3/8" in size, green, blue, and salmon color, showing the alien's photograph and registration date. [8 CFR 101.3] (See Section 7.10.1.)

2.5.2. **Address reports.** Immigrant and nonimmigrant aliens living in the U.S. are no longer required to report their addresses to INS each January; neither are they required to notify INS each three months of their addresses. They are, however, required to report to INS any change of address within ten days of that change. Form AR-11, which should be available at U.S. Post Offices and INS offices, should be used when complying with this requirement.

2.6 Extension of Temporary Stay

Upon their initial admission to the U.S., most nonimmigrants receive permission to stay in the country for a specific period of time. Should a nonimmigrant wish to remain in the U.S. beyond that period, he must, if he is eligible to do so, apply for an extension of his permission to stay. The procedure for applying for an extension of stay varies according to nonimmigrant classification. For further discussion of those procedures refer to the *Manual* sections dealing with specific classifications.

Certain nonimmigrants, mainly those in A and G status (except A-3 and G-5), and aliens in F status, do not have specific limitations on their period of stay in the U.S. Their Forms I-94 are marked "D/S," which means "duration of status." With such a notation on his Form I-94, an alien can remain in the U.S. as long as he is engaged in the activity for which he was admitted. See further discussion of duration of status as it applies to aliens in F status in Section 3F of this *Manual*.

2.7 Change of Nonimmigrant Classification

In some cases, it is possible to change from one nonimmigrant classification to another. For details, see Sections 3F.13 (concerning F status), 3M.12 (concerning M status), 4.10 (concerning J status), and 6.6 (concerning other nonimmigrant statuses).

2.8 Up-front Adjudications

In some INS offices, aliens in certain classifications are able to present, in person, applications for some types of benefits and to obtain the results of the adjudication process within a very short time. This "up-front adjudication" is not available in all INS offices

for all types of applications. Where it is available, it is extremely useful.

2.9 Voluntary Departure

Voluntary departure is the permission granted at the discretion of the INS for an alien to depart voluntarily from the United States at his own expense in lieu of deportation. [Act 242(b); 8 CFR 242.5] It is a means by which a person may avoid the negative consequences of deportation by leaving the U.S. voluntarily prior to the deadline set by INS. If voluntary departure has been granted, the alien's Form I-94 will be endorsed "Voluntary Departure" or "V/D," with the date by which the departure is supposed to take place. The Form I-94 might also be stamped "under docket control," referring to an INS procedure whereby an alien's status is monitored to ensure compliance with terms established by INS.

Voluntary departure is granted in various circumstances, including cases in which a nonimmigrant student who is found to have violated the terms of his status is permitted to remain in the U.S. to complete an academic term. It may also be granted to a person

who is unable to return home because of serious political or natural upheavals, but is unable to maintain lawful nonimmigrant status. The voluntary departure may be extended indefinitely until the upheaval is over and the person can return home or adjust status.

2.10 Departure

Ordinarily, an alien notifies the INS of his departure from the U.S. by surrendering his Form I-94 Arrival-Departure Record at the point of departure. An alien who is under docket control is also provided with a postal card on which to notify the INS of his departure.

Departing aliens, with certain exceptions such as F-1 and M-1 students who have earned no income while in the U.S., are formally required by the Internal Revenue Service to obtain a "Certificate of Compliance" or "Sailing Permit" before departure from the country. The Sailing Permit is evidence that the alien has paid whatever taxes may be due the U.S. government. Information about the requirements and procedures for obtaining a Sailing Permit can be found in Internal Revenue Service publication 518, "United States Tax Guide for Aliens," available in single copies free from the local IRS office.

SECTION 3

INSTITUTIONAL RESPONSIBILITIES UNDER INS REGULATIONS FOR F AND M STUDENTS

3.1 General

The "Revisions in Regulations Pertaining to Non-immigrant Students and the Schools Approved for Their Attendance" published in the *Federal Register* of April 5, 1983, indicate a significant change in the focus of efforts by the INS to administer and enforce the immigration law and regulations pertaining to F and M students. Until this time, INS enforcement efforts were aimed principally at nonimmigrant students themselves, and the schools approved for their attendance played a relatively minor role in enforcement efforts. Schools did have some legal responsibilities under the old regulations, and they were required to report to the INS when students failed to enroll, carried less than a full program of study, or terminated attendance. However, the INS frequently ignored these reports and seldom took punitive action against schools which failed to make the reports and to observe meticulously their responsibilities under the law and regulations.

Two of the purposes of the new regulations are "to make more effective use of institutional sponsorship of the students by the schools and to control abuses by mala fide schools." [Prefatory remarks to the regulations, page 14575 of *Federal Register* of April 5, 1983] The regulations introduce a "student enhancement" of the Service's computerized record-keeping system, which is designed to monitor the compliance of students through reports which schools are required to submit to the Service. The INS will certainly continue to direct enforcement efforts toward students, but much more emphasis is placed on increased record-keeping and reporting so that data in the computerized record-keeping system can be kept current and the status of F-1 and M-1 students can be monitored through that system.

Under these regulations, the roles of approved schools and designated school officials become more important to INS efforts to enforce the immigration law and reg-

ulations. These changes have several important ramifications for schools and school officials. School officials have greater professional responsibilities to their schools to protect the schools' approval to enroll non-immigrant students. The more precisely defined and broader record-keeping and reporting requirements could force school officials in the direction of enforcement officers and away from their traditional roles of educators, counselors, advisers, and helpers to the students. Those requirements raise serious questions of a legal, ethical, educational, and practical nature which are discussed further in Section 3.6.4. Increased record-keeping and reporting can become a burden on the financial and human resources of schools. Some schools and designated school officials may not feel comfortable in these redefined roles and with their increased responsibilities under this revised approach to the administration and enforcement of the immigration regulations.

However, schools and school officials need not acquiesce and become policing or enforcing agents. A reasonable interpretation of the regulations can lead to reasonable policies and procedures within each school which will insure compliance with the regulations and prevent a disruption in the traditional educational roles played by schools and school officials. It is the intent of this section of the *Manual* to suggest some guidelines toward that goal.

Since this section of the *Manual* is being written before the new regulations have gone into effect, before the INS Operations Instructions relating to the new regulations have been written, and before schools and school officials have had any experience in working under the new regulations, it is difficult to be precise and authoritative in suggesting guidelines and interpretations. NAFSA presents the interpretations that follow as reasonable and workable starting points from which to continue a cooperative working relationship with the INS without surrendering important educa-

tional and humanistic principles and practices. After the regulations have been in effect for a year or more, this section may need to be rewritten with new interpretations and new guidelines. Meanwhile, what follows describes a reasonable and, we hope, acceptable mode of operation.

3.2 Approval of Schools for Acceptance of F-1 and/or M-1 Students

A school which wishes to enroll nonimmigrant students under the provisions of Sections 101(a)(15)(F) and/or 101(a)(15)(M) of the Immigration and Nationality Act must apply to the INS for approval. The purposes of the application and approval process are to insure that the school is a legitimate educational institution, that it provides instruction which is suitable to the needs of foreign students, and that it is able to and will act responsibly and in accordance with the immigration regulations in admitting foreign students and in maintaining the records and submitting the reports required by the INS to monitor the status of foreign students. The regulations published in the *Federal Register* of April 5, 1983, provide for a one-time review of all school approvals to take place beginning August 1, 1983, in order to provide a check on existing schools approved by the INS, to insure that approved schools maintain the necessary standards and procedures to comply with the law, and to eliminate from the approved lists those schools which no longer merit approval. In addition, the regulations provide for a periodic review by district directors of school approvals to determine whether the schools continue to meet the eligibility requirements and have complied with the reporting requirements of the regulations.

3.2.1. *Initial application for school approval.* The initial application for school approval consists of Forms I-17 and I-17A (Petition for Approval of School for Attendance by Nonimmigrant Alien Students, and Designated School Officials, both reproduced in Appendix 3), a fee (see Fee Schedule, Appendix 1), and supporting documents, which vary depending upon the type of school. If the petition is for a school system, Form I-17B (School System Attachment, reproduced in Appendix 3) must be submitted. The application is filed with the district office of the INS which has jurisdiction over the place in which the school is located. A school system which has schools or campuses in two or more INS districts must file separate petitions for its schools or campuses in each INS district. The application must state whether the school is seeking approval to enroll F or M students or both. [8 CFR 214.3(a)(1)]

3.2.1.1. *Supporting documents.* The supporting documents which are required for an application for school approval vary widely, depending upon the kind of school involved. The regulations at 8 CFR 214.3 are complex and unclear. A study of those regulations and

consultation with the Central Office of the INS leads to the conclusions that there are seven different types of evidence and supporting documents which may be required of four different categories and three subcategories of schools. The types of evidence and supporting documents and the categories of schools are listed below. [8 CFR 214.3(b), (c)]

3.2.1.1.1. Types of evidence and supporting documents.

Type I. A certification signed by the appropriate public official that a school or school system is owned and operated as a public educational institution or system by the United States or a State or a political subdivision thereof.

Type II. A certification signed by the appropriate public official, who shall certify that he is authorized to do so, to the effect that the school or school system meets the requirements of the State or local public educational system.

Type III. A certification by the appropriate licensing, approving, or accrediting official, who shall certify that he is authorized to do so, to the effect that the school is licensed, approved, or accredited. A charter is not considered a license, approval, or accreditation.

Type IV. A school catalog, if one is issued. If a catalog is not issued, or if it does not include the following information, a statement containing information concerning the:

1. size of its physical plant;
2. nature of its facilities for study and training;
3. educational, vocational, or professional qualifications of the teaching staff;
4. salaries of the teachers;
5. attendance and scholastic grading policy;
6. amount and character of supervisory and consultative services available to students and trainees; and
7. finances (including a certified copy of accountant's last statement of school's net worth, income, and expenses).

Type V. Evidence that the school's courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

Type VI. Evidence that the school confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees, that its credits have been and are accepted unconditionally by at least three institutions of higher learning within categories 1 or 2 below, or a statement that it is recognized as a correspondent or a candidate for accreditation by a nationally recognized regional accrediting association having jurisdiction over the area in which the school is located.

Type VII. Evidence that attendance at the school satisfies the compulsory attendance requirements of the State in which the school is located and that the school qualifies graduates for acceptance by schools of higher educational level within categories 1, 2, or 3 below.

3.2.1.1.2. Categories of schools. The categories of schools mentioned in the regulations and the types of evidence or supporting documents required in their petitions for school approval are as follows:

Category 1. Public schools at all levels, defined as "a school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof." Type I supporting documents are required. If it is a vocational, business, or language school, or an American institution of research recognized as such by the Attorney General, type V supporting documents are also required.

Category 2. Schools listed in the current U.S. Department of Education publications *Accredited Postsecondary Institutions and Programs* or *Education Directory: Colleges and Universities* must submit type I supporting documents if they are public institutions. If the school is not public, it must submit type III supporting documents. In addition, if it is a vocational, business, or language school, or an American institution of research, it must submit type V supporting documents.

Category 3. A secondary school operated by or as part of an institution of higher learning which is listed in the U.S. Department of Education directories identified above must submit type I supporting documents if it is a public school. If it is not a public school, type II supporting documents are required. In addition, if it is a vocational, business, or language school, or an American institution of research, type V supporting documents are required.

Category 4. Schools other than those in categories 1, 2, and 3 above must all submit type IV documents (school catalog) and either type II or III documents. In addition, schools in the sub-categories listed below are required to submit the documents indicated:

Sub-category 4a. Non-public institutions of higher education which are not listed in the U.S. Department of Education directories must submit type VI documents.

Sub-category 4b. Non-public elementary or secondary schools which are not operated by or as part of schools listed in the U.S. Department of Education directories must submit type VII documents.

Sub-category 4c. Vocational, business, or language schools, and American institutions of research must submit type V documents.

3.2.1.1.3. INS chart of required documents. The INS has devised a chart of documents and evidence required for approval of various categories of schools. That chart is being distributed to schools along with

the notice of one-time recertification in August 1983 (see Section 3.2.2). See General School Documentation Guidelines and Special Documentation for Certain School Types, Appendix 3.

3.2.1.2. *Referral to U.S. Department of Education.* The INS has consulted the U.S. Department of Education and has determined that any school included in categories 1, 2, or 3 above "is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses." In all other cases (category 4 and sub-categories 4a, 4b, and 4c above), INS will refer the application for school approval and all supporting documents and information to the U.S. Department of Education "with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses." [8 CFR 214.3(c)]

3.2.1.3. *Interview of petitioning school's representative.* "An authorized representative of the petitioner shall appear in person before an immigration officer prior to the adjudication of the petition to be interviewed under oath concerning the eligibility of the school for approval." The district director may waive the interview (and usually does so) for schools in categories 1, 2, and 3 above. [8 CFR 214.3(d)]

3.2.1.4. *Name, title, sample signature, and statement of designated school official.* Petitions for school approval filed after August 1, 1983, (the effective date of the regulations published in the *Federal Register* of April 5, 1983) must include on Form I-17A the name, title, and sample signature of each designated school official. [8 CFR 214.3(1)(2)] Petitions for school approval must also include a statement signed by each designated school official that the official has read the regulations relating to nonimmigrant students and affirming that the official intends to comply with those regulations. [8 CFR 214.3(1)(3)] Designated school officials are the only persons authorized to sign Forms I-20A-B, I-20M-N, I-538, and otherwise to act officially in behalf of the school in carrying out the school's responsibilities under the immigration regulations pertaining to F-1 and M-1 students.

3.2.1.5. *Approval of petition.* The application, supporting documents, referral to the U.S. Department of Education, and interview are all designed to determine whether the school is eligible for approval to enroll nonimmigrant students. To be eligible for approval, the school must establish that "(i) it is a bona fide school; (ii) it is an established institution of learning or other recognized place of study; (iii) it possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and (iv) it is, in fact,

engaged in instruction in those courses." [8 CFR 214.3(e)(1)]

If the petition is approved, the district director will notify the school. The approval will specify whether the school is approved for attendance by F-1 students, M-1 students, or both. The approval is valid only as long as the school continues to operate in the manner described in the petition. [8 CFR 214.3(e)(2)] If the petition is denied, the district director will inform the school of the reasons for the denial and that the school may appeal the denial according to the procedures described in 8 CFR 103. [8 CFR 214.3(f)]

3.2.2. One-time recertification process. The regulations published in the *Federal Register* of April 5, 1983, provide that each currently approved school must submit an application for recertification.

3.2.2.1. Purpose of one-time recertification. The purpose of the one-time recertification is "to enable the Service to update its records and review the approval of each school desiring to continue its approval to determine whether it meets the eligibility requirements . . ." stated in 3.2.1.5 above and "has complied with the reporting requirements . . ." stated in 3.6.3 below. [8 CFR 214.3(h)(2)(ii)] In this way, the INS intends to purge its records of schools that are no longer in operation or no longer enroll nonimmigrant foreign students and to eliminate from its approved list of schools those institutions that have not complied with the regulations and are considered "mala fide" by the Service.

3.2.2.2. Procedure for one-time recertification. After August 1, 1983, a private contractor operating in behalf of the INS is sending to each currently approved school a notice in writing that it must submit a petition for continuation of its school approval. The notice will be sent to the address currently on file at the INS for each school. Such notices will be directed to foreign student offices. The school is required to respond to that notice, as described below, within sixty days of its receipt by the school, or its school approval will be automatically withdrawn. If a school has not received the notice by October 1, 1983, the school official should inquire of the district director as to whether it has been sent in order to insure that INS records still include the school on its approved list.

The application for continuation of school approval must include the following information and documents: [8 CFR 214.3(h)(2)(i)]

"(A) Form I-17 without fee." This is a new version of Form I-17. A fee is not required for this one-time recertification.

"(B) The names, titles, and sample signatures of [the school's] designated officials . . ." (on Form I-17A) who are authorized by the school to sign student immigration documents and act for the school in administering immigration matters pertaining to F and M students.

"(C) A statement signed by each designated official on Form I-17A certifying that the official has read the Service regulations relating to nonimmigrant students . . . and affirming the official's intent to comply with these regulations." The specific regulations which the school official must have read and agreed to follow are 8 CFR 214.1(b), 214.2(f), and 214.2(m) pertaining to nonimmigrant students; 8 CFR 248.1(c), 248.1(d), 248.3(b), and 248.3(d) pertaining to change of nonimmigrant classification; 8 CFR 214.3 relating to school approval; and 8 CFR 214.4 relating to withdrawal of school approval. INS has compiled those regulations into a booklet (Form M-242) which will be sent to each school along with the notice of required application for recertification. That booklet is reproduced as Appendix 10 to this *Manual*.

"(D) The supporting documents specified in . . ." 8 CFR 214.3(b) as described above in section 3.2.1.1. The supporting documents vary depending upon the kind of school involved, and will be the same for the one-time recertification process as for initial approval of schools under the revised regulations (see Section 3.2.1.1).

While the application procedure and supporting documents will be the same for the one-time recertification procedure as for an initial application for school approval, presumably the INS will not require interviews of representatives of schools in category 4 and sub-categories 4a, 4b, and 4c described in Section 3.2.1.1 and will not refer all applications from such schools to the U.S. Department of Education. Nevertheless, the district director may do either or both, and may require any of the other procedures specified in Section 3.2.1.1 when there is any doubt as to the bona fides of the school or of its ability and intention to comply with all record-keeping and reporting requirements of the regulations.

3.2.2.3. Withdrawal of school approval following one-time recertification process. As a result of the one-time recertification process, a district director may automatically withdraw school approval, initiate proceedings to withdraw school approval on notice, or reaffirm continuation of school approval.

3.2.2.3.1. Automatic withdrawal of school approval. If the school fails to submit a complete petition for recertification, complying with all requirements of the recertification process, within sixty days of the receipt of the recertification notice, its approval will be automatically withdrawn. The district director will notify the school of the automatic withdrawal of its approval. Under these circumstances, a school may immediately submit a new application for approval, and its failure to submit a complete and acceptable application earlier will not prejudice its new application. [8 CFR 214.3(h)(2)(ii)]

3.2.2.3.2. Withdrawal of school approval on notice. If, upon review of the application for recertifi-

cation, the INS finds that the approval should not be continued for any of the reasons discussed below in Section 3.7.1, the district director will institute proceedings to withdraw the school's approval "on notice" (for cause) according to procedures discussed below in Section 3.7.2. [8 CFR 214.3(h)(2)(ii)] These procedures involve a warning letter, a notice of intention to withdraw the approval, the opportunity for response by the school, a hearing, representation by counsel, and the protections of due process of law.

3.2.2.4. Continuation of school approval. The regulations do not specifically provide for notification by the INS of the continuation of a school's approval after the one-time recertification process, but district directors will notify schools of continued approval and the determination of whether the school is approved for enrollment of F-1 students, M-1 students, or both. A school can assume that its approval is continued unless it is officially informed that its approval is automatically withdrawn or it receives notice of the intention of the Service to withdraw approval for cause.

3.2.3. Regular review of school approvals. The regulations specify that "the district director shall review from time to time the approval granted to each school . . ." in order to determine whether the school continues to meet the basic eligibility requirements described above in Section 3.2.1.5 and has complied with the record-keeping and reporting requirements described below in Section 3.6. The district director may require the school to submit a new Form I-17 without fee and with all of the supporting documents required for initial approval. If the district director finds that approval should not be continued, proceedings for withdrawal on notice may be initiated. [8 CFR 214.3(h)(1)] In the past, district directors have seldom conducted such regular reviews. Under the new regulations, with their increased emphasis on the responsibility of schools to maintain records and submit reports to the INS on the status of individual students, it might be expected that such regular reviews of school approvals will be more common than in the past.

3.2.4. School code number and suffix. Upon initial approval to accept nonimmigrant students, each school is given a school code consisting of three letters identifying its INS district office, the symbol "214F," and a number up to four digits identifying the individual school or school system. Thus, an approved school in the Boston district might have the school code number "BOS 214F.123."

With the introduction of what the INS calls the new "student enhancement" of the Service's computerized record-keeping system, each school or campus is required to add a three-digit suffix to that code number and to use it on all Forms I-20A-B and/or I-20M-N. Schools or campuses which are part of a school system approved prior to August 1, 1983, having a single school

code must assign themselves a school code suffix in numerical order within the system; i.e., campus number one adopts the suffix ".001," campus number two ".002," and so on for the number of campuses or separate schools within that school system. A school which is not part of a school system having a single school code is automatically assigned the suffix ".000." The same is true of an elementary or secondary school regardless of whether it is part of a school system or not. The Boston area school cited above will have the complete school code number "BOS 214F.123.000" if it is not part of a school system; if it is campus or school number one in a multicampus system having a single school code number, its complete number will be "BOS 214F.123.001."

The school code number and suffix must be placed on all Forms I-20A-B and I-20M-N which will be used after August 1, 1983, and in any other documents used to identify the school under the INS computerized record-keeping system. The complete school code number, including the suffix, is necessary to identify the school in the student enhancement of the INS computerized record-keeping system. The INS will assign school code suffixes to schools approved after August 1, 1983.

3.3 Approval for F-1 or M-1 Classification or Both

As a result of the one-time recertification process beginning August 1, 1983, and as a result of any new initial application for approval to enroll nonimmigrant students, the INS will determine which schools are approved to accept F-1 students, which are approved to accept M-1 students, and which schools are approved to accept both.

3.3.1. Approval for F-1 classification. The regulations provide that the following kinds of schools may be approved for attendance by F-1 students: [8 CFR 214.3(a)(2)(i)]

"(A) A college or university, i.e., an institution of higher learning which awards recognized bachelor's, master's, doctor's, or professional degrees

(B) A community college or junior college which provides instruction in the liberal arts or in the professions and which awards recognized associate degrees

(C) A seminary

(D) A conservatory

(E) An academic high school

(F) An elementary school

(G) An institution which provides language training, instruction in the liberal arts or fine arts, instruction in the professions, or instruction or training in more than one of these disciplines."

3.3.2. Approval for M-1 classification. The following kinds of schools are considered to be vocational or nonacademic institutions and may be approved for attendance by M-1 students: [8 CFR 214.3(a)(2)(ii)]

“(A) A community college or junior college which provides vocational or technical training and which awards recognized associate degrees

(B) A vocational high school

(C) A school which provides vocational or nonacademic training other than language training.”

3.3.3. Approval for both F-1 and M-1 classifications. Schools which provide instruction in the liberal arts, fine arts, language, religion, the professions, and in vocational or technical training may be approved to enroll both F-1 and M-1 students. In such a case, students who enroll in academic or language programs are classified F-1 and are issued Forms I-20A-B; students who enroll in vocational or technical training programs are classified M-1 and are issued Forms I-20M-N. [8 CFR 214.3(a)(2)(iii)]

“A student whose primary intent is to pursue vocational or technical training who takes English language training at the same school solely for the purpose of being able to understand the vocational or technical course of study” is classified as an M-1 student. [8 CFR 214.3(a)(2)(iv)]

3.4 Designated School Officials

Only a “designated school official” or “designated official” may sign Forms I-20A-B, I-20M-N, I-538, and other documents representing the approved school in matters dealing with F-1 or M-1 students.

3.4.1. Definition of designated school official. For purposes of the regulations relating to F-1 and M-1 students, a “designated official” or “designated school official” is defined as “a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students.” A person “whose principal obligation to the school is to recruit foreign students for compensation does not qualify as a designated official.” A designated school official may be a faculty member or regular staff member employed full time or part time for the purpose of representing the school in F-1 and M-1 student matters. A faculty or staff member whose duties include recruiting foreign students may be a designated school official if that official’s duties are not *primarily* to recruit foreign students. [8 CFR 214.3(l)(1)]

A designated school official must be so designated by the “president, owner, or head of a school or school system,” and that official “may not delegate this designation to any other person.” The designation must come from the top of the school’s hierarchy, indicating an expressed assignment to the position of designated school official on the part of the school. That the INS wishes to lay stress on the importance of the designated school officials is emphasized by the prohibition of any delegation of the authority or role of the designated school official to any other person. [8 CFR 214.3(l)(1)]

3.4.2. Limitation of number of designated school officials. “Each school or institution may have up to five designated officials at any one time. In a multicampus institution, each campus may have up to five designated officials at any one time. In an elementary or secondary school system, however, the entire school system is limited to five designated officials at any one time.” [8 CFR 214.3(l)(1)] This limitation in number of designated school officials is meant to insure control by the school’s top authorities of the administration of the regulations regarding F-1 and M-1 students and to prevent irresponsible or improper actions by school officials. It may pose problems for some schools, especially those which operate under a decentralized organizational structure. It may require in many cases that documents which are prepared by some staff members be reviewed and signed by other staff members who are officially designated as school officials for the purposes of the immigration regulations regarding F-1 and M-1 students.

3.4.3. Name, title, sample signature, and statement of designated official. As a part of the one-time recertification process, and in any new application for school approval submitted after August 1, 1983, a school must submit on Form I-17A “the names, titles, and sample signatures of designated officials” and a statement signed by each designated official that the official has read the INS regulations relating to nonimmigrant students, change of nonimmigrant classification for students, school approval, and withdrawal of school approval (see Section 3.2.1.4). A school must submit to the district director a similar statement, name, title, and sample signature of any new designated school official on Form I-17A within thirty days of such a designation. The school will also have to notify the district director of the removal of a previously designated school official if it already has its maximum allocation of five officials. [8 CFR 214.3(l)(2), (3)]

3.4.4. Responsibilities and role of designated school official. Designated school officials represent and speak for the school in all matters relating to F-1 and M-1 students. Only a designated school official may sign any immigration document representing the school in a matter relating to F-1 or M-1 students. Since the regulations of April 5, 1983, impose an increased responsibility on schools to maintain records and submit reports on F-1 and M-1 students, designated school officials assume a more responsible role than the equivalent officers (who were never defined in the regulations) had in the past. A school’s approval to accept nonimmigrant students may be withdrawn for failure of a school official to comply with record-keeping and reporting requirements, for willful issuance by a school official of a false statement, for any conduct on the part of a school official which does not comply with the regulations, and for a number of other acts of misfeasance on the part of a school official (see Section 3.7.1).

Designated school officials are charged with considerable responsibility to their schools for maintaining their schools' approval to enroll nonimmigrant students. Responsible institutions which wish to preserve their ability to continue to enroll such students will select, train, support, and monitor designated school officials with great care.

3.5 Controls on Issuing Forms I-20A-B and I-20M-N

The regulations of April 5, 1983, are quite precise about the controls which approved schools must exercise in issuing Forms I-20A-B and I-20M-N. These controls are designed to prevent abuses by mala fide schools, unscrupulous recruiters, schools which appear to be interested only in the tuition money of foreign students, and others who have in the past abused the privilege of enrolling nonimmigrant foreign students.

3.5.1. Specific conditions of issuance of Forms I-20A-B and I-20M-N. A Form I-20A-B or I-20M-N may be signed and certified only by a designated school official and only after page 1 of the form has been completed in full. The form must be issued in the United States. School officials may not sign blank forms and allow recruiters or other unauthorized persons to complete and issue the forms upon recruiting a student. A Form I-20A-B or I-20M-N issued by a school system must specify which school or campus within the system the student will attend. [8 CFR 214.3(k)]

In addition, a Form I-20A-B or I-20M-N may be issued only after all of the following conditions have been met: [8 CFR 214.3(k)]

"(1) The prospective student has made a written application to the school." An oral or telephone application, or an application in person without a written request for admission to the school is not acceptable. The Department of Justice Criminal Division has interpreted this regulation to mean that the student must make the application himself. An application prepared by a representative of the student in behalf of the student does not satisfy the requirement.

"(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States." This requirement refers to "transcripts or other records of courses taken" which are appropriate to the particular course of study to which the student is being admitted, and does not necessarily require that all students must submit transcripts or course records if those records are not relevant to the courses for which the students are applying. The regulation does specifically require that the school receive evidence of financial responsibility for the student in all cases, and it does require that the application and supporting documents be reviewed at the school in the United States, not merely

by a recruiter or other individual who is not physically present at the school.

"(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission." The "appropriate school authority" is any person or agency which is authorized by the school's administration to make such decisions. That authority must determine that the applicant meets all standards which are appropriate to the school or program to which the student is being admitted.

"(4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study." This does not necessarily mean that there must be *one* official responsible for admission at the school and/or that that particular official must approve the admission; it does mean that the student must be officially accepted for enrollment in the school by whatever person, agency, or procedure is appropriate for admission to the particular school or program. It definitely means that the student must be accepted for the purpose of enrolling in a full-time program of study and not as a part-time or casual student.

3.5.2. Consequences of failure to meet conditions of issuance of Forms I-20A-B or I-20M-N. "Failure to comply with the procedures for issuance of Forms I-20A or I-20M" as detailed above is specifically given as a cause for withdrawal on notice of a school's approval to enroll nonimmigrant students (see Section 3.7.1). [8 CFR 214.4(a)(1)(xvii)] It is abundantly clear that the INS means by these regulations to curb past abuses by mala fide schools and unscrupulous recruiters.

3.5.3. Legal culpability of designated school official. In addition to the professional responsibility a designated school official has to the approved school to preserve its school approval, the official can be held legally culpable for perjury. In signing the Form I-20A-B and/or I-20M-N, the school official certifies "under penalty of perjury" that "All information provided above in items 1 through 8 was completed before I signed this form and is true and correct. I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts, or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form. The school has determined that the above-named student's qualifications meet all standards for admission to the school. The student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6) [or 214.2(m)(9)]. I am a designated official of the above-named school and I am authorized to issue this form."

Successful prosecution for perjury would require that the INS prove that the school official willfully and knowingly certified to false information with the intent to deceive. Unintentional omissions and misinterpre-

tations do not constitute perjury. 18 USC 101 provides for severe penalties for willfully making a false statement to a government official. It is unlikely that the INS would pursue a criminal charge for perjury or for making a false statement except in extreme cases, as the principal intent of the INS is to control these matters through the approval and withdrawal of approval of schools to accept nonimmigrant students. However, school officials should be aware of this possibility and of the importance which INS ascribes to the proper certification and signing of Forms I-20A-B and I-20M-N.

3.5.4. *Enrollment of aliens in other than F-1 or M-1 status.* It should be noted that all of the requirements referred to above apply only to the admission and enrollment of students who are issued Forms I-20A-B or I-20M-N and who are in the United States for the purpose of attending school under the provisions of Sections 101(a)(15)(F) or 101(a)(15)(M) of the Act. Neither these regulations nor any other laws or regulations address the school's legal responsibility regarding the admission and enrollment of aliens who hold other immigration status or no status. The legal status of those aliens is a matter between them and the INS. A school does not jeopardize its approval to enroll F-1 or M-1 students by admitting and enrolling other aliens regardless of their legal or illegal status.

3.6 Record-keeping and Reporting Requirements

The regulations of April 5, 1983, are in some ways quite specific about the records schools must keep on F-1 and M-1 students, about the requirement that schools must release to INS officers information concerning the status of individual students, and about the requirements for periodic reporting to INS regarding the status of all F-1 and M-1 students enrolled. These regulations are designed to place greater responsibility on schools which enroll foreign students to report on their status and to provide information to the INS computerized record-keeping system by which students are monitored in the maintenance of their status. While the regulations specify quite precisely certain kinds of records and information which must be kept and released to the INS, they are not quite so precise about other kinds of records and information. The wide scope of the regulations creates concern on the part of some school officials that they may be forced to provide information to the INS which is not necessarily relevant to the immigration status of students and/or not directly related to the activities of the individual as a student in the school. School officials are concerned about the legal, ethical, educational, and practical ramifications of releasing confidential, personal, academic, or other information to a government agency charged with enforcement of the law, and they resist any erosion of their relationship of confidence and trust with their students. In the light of these considerations, and lack-

ing experience under the new regulations, responsible school officials are attempting to establish reasonable guidelines which will allow continued cooperation with INS and responsible observance of the requirements of the regulations, while preserving the traditional roles of educator, counselor, adviser, and helper to students. It is this exploratory education-related approach which is adopted in this section of the *Manual*.

3.6.1. *Required records and documents.* "An approved school must keep records containing certain specific information and documents relating to each F-1 or M-1 student to whom it has issued a Form I-20A or I-20M while the student is attending the school and until the school notifies the Service . . ." on an INS computer-generated list that the student is not pursuing a full course of study (see Section 3.6.3). [8 CFR 214.3(g)(1)] Note that this requirement applies only to "each F-1 or M-1 student to whom [the school] has issued a Form I-20A or I-20M." It does not apply to F-2 or M-2 dependents, to exchange visitors, to any other aliens, documented or undocumented, or to U.S. citizens. These regulations pertain only to F-1 and M-1 students, and schools can be required by these regulations to maintain records only on F-1 and M-1 students who are so identified to the institution by its having issued Form I-20A-B or I-20M-N to them.

The school must maintain these records about each F-1 and M-1 student so identified during the entire time the student attends the school and until the school reports to the INS the student's termination, failure to carry a full program of study, or failure to continue enrollment as required by 8 CFR 214.3(g)(2). Therefore, student files may not be destroyed immediately when the student leaves school, but must be maintained with the required information until the school completes its required reports to the INS.

While the regulations require that schools maintain these specified records and documents, they do not state or imply that the records and documents must be maintained in a centralized location. Most such records and documents are maintained by schools in scattered locations, such as admissions offices, records offices, foreign student offices, deans' offices, and similar places. The records and documents need not be collected and centralized, and schools may retain their present record-keeping practices provided the required information is available at some location within the school to which the designated school official has access.

"The school must keep a record of having complied with the reporting requirements for at least one year." [8 CFR 214.3(g)(1)] The reporting requirements referred to here are the reports submitted on INS computer-generated lists (see Section 3.6.3). Schools must keep a record of having made these reports for one year, presumably by keeping copies of the reports submitted to the INS. A school may destroy the records and documents on any individual F-1 or M-1 student after

having reported on the computer-generated list that the student is not carrying a full program of study; however, schools must maintain a record of having made that report for one year after having done so.

"If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status." [8 CFR 214.3(g)(1)] A school may have destroyed its records on an F-1 or M-1 student after reporting to the INS that the student is not carrying a full course of study, but if that student is restored to status by the INS to attend the same school, the school must maintain those required records from the time of reinstatement until the school again notifies the INS that the student is not carrying a full program of study.

The information and documents which the school must maintain on each F-1 and M-1 student to whom it has issued Form I-20A-B or I-20M-N are the following: [8 CFR 214.3(g)(1)]

"(i) The admission number from the student's Form I-20 ID copy." See Sections 3F.4.1 and 3M.4.1 for a description of the admission number. The school will be informed of the student's admission number on Form I-20B or I-20N (page 5 of the Form I-20A-B or I-20M-N), which is sent to the school by the INS upon the admission to the U.S. of an F-1 or M-1 student for the purpose of attending that school or upon approval of an extension of stay and transfer to the school, or by the school an F-1 student was previously authorized to attend upon the student's transfer to the new school to continue the same educational program. In those cases in which the school does not receive the Form I-20B or I-20N because of some breakdown in the system, it is reasonable to expect that the school should attempt to obtain the admission number from the student's Form I-20 ID copy. However, if a student should fail to provide the Form I-20 ID copy to the school for any reason, the school cannot be held responsible for obtaining that number if it has not received Form I-20B or I-20N.

"(ii) Country of citizenship." That information is contained on the Form I-20A-B or I-20M-N which the school issues to the student, so the school should have no difficulty in obtaining and maintaining that information.

"(iii) Address and telephone number." Presumably this means a residence address and not only a Post Office box number, as it is intended to enable the INS to locate the student physically. Schools are required to make a good faith effort to obtain and maintain this information and to have reasonable procedures in operation which will collect and update the information in a systematic manner. However, a school cannot be penalized for failure to have current and accurate addresses and telephone numbers for all of its F-1 or M-1 students if it does have such procedures in operation but individual students fail to cooperate by pro-

viding the information, either purposefully or by neglect or omission. In such cases, students are directly responsible to the INS, and the school cannot be held liable.

"(iv) Status, i.e., full-time or part-time." This information should be readily available during any regular term of the school after a reasonable time for the student to complete registration and for the school to process its enrollment records. Note that a student is considered, for this purpose, to be enrolled in a full-time program during an authorized vacation period if the student was enrolled in a full-time program during the preceding term and is eligible and intends to enroll in the same full-time program in the succeeding term. (See Section 3F.6.3. Also see Section 3.6.2.1 regarding the exercise of care in determining which students are and are not pursuing full programs of study.)

"(v) Course load." This is related to (iv) above and refers to the number of credit hours or attendance hours for which the student is enrolled, not to the specific courses the student is taking.

"(vi) Date of commencement of studies." This information should be readily available in several places within the institution. It refers to the date the student began a full-time course of study as an F-1 or M-1 student after having been issued Form I-20A-B or I-20M-N by the school.

"(vii) Degree program and field of study." This information should also be readily available. If a student is not enrolled in a specific degree program, the school's records should indicate the specific non-degree educational program in which the student is engaged. If a student has not decided upon or declared a specific major field or course of study, "undecided" or "undeclared" should suffice to identify the field of study.

"(viii) Expected date of completion." This information is often not nearly as precise as the regulations presume it to be. A school official's estimate of a date of completion based upon the usual or average time required for the program and the student's progress up to the time the information is requested should be sufficient to fulfill this requirement.

"(ix) Nonimmigrant Classification." School officials will normally receive this information on F-1 and M-1 students (the only ones for whom this information is required) by receipt of Form I-20B or I-20N (page 5 of Form I-20A-B or I-20M-N) from the INS or from the school the student was previously authorized to attend, and they must maintain that information in the student's records. If a school does not receive Form I-20B or I-20N because of some breakdown in the system, it is reasonable to expect that the school should attempt to obtain the information from the individual student to whom it has issued Form I-20A-B or I-20M-N by examining the student's Form I-94 and/or I-20 ID copy. However, if the student fails for any reason to provide the information to the school official, the school cannot be held responsible for the information provided it has

made a reasonable good faith effort to obtain it. Schools should also make good faith efforts to maintain current information about F-1 or M-1 students who change or adjust status, but they cannot be held responsible for this information if the students do not provide it to them.

"(x) Termination date and reason, if known." The date the student terminates attendance at the school should be known and available in most cases. In those cases in which a student simply stops attending classes and disappears, a reasonable estimate of the date of "termination" should be sufficient to meet the requirements of the regulations. The reason for termination of attendance is a required part of the records only if it is known, so schools need not (for immigration purposes) make special efforts to determine the reasons for termination of students.

"(xi) The documents referred to in paragraph (k) of this section." These are the documents and information related to the student's qualifications for admission to the school as an F-1 or M-1 student which are required as a condition of issuing Form I-20A-B or I-20M-N (see Section 3.5.1). These admission documents and records must be maintained while the student is enrolled and until the school reports to the INS that the student is no longer pursuing a full course of study.

"(xii) Information specified by the Service as necessary to identify the student, such as date and place of birth, and to determine the student's immigration status." This requirement is not as precise as the preceding ones, and it causes some trouble in identifying the kinds of information which might be required. Information such as date and place of birth causes no problem, but "information . . . necessary to identify the student" is vague and could be interpreted under extreme circumstances to include photographs, fingerprints, and similar information. "Information specified by the Service as necessary . . . to determine the student's immigration status" is even more vague.

A reasonable interpretation of the language and intent of this specific requirement leads to the conclusions that (1) schools are required to maintain and release to the INS identifying information only of a standard nature, such as date and place of birth, and not to maintain photographs or other more specific or detailed information; (2) since the Service has not specified any required information other than date and place of birth to identify the student, and has not specified any information required to determine the student's immigration status other than the admission number, immigration classification, and other specific items mentioned previously in this section, no information other than those specific items is required to be maintained in the school's records and released to the Service; and (3) the school can reasonably be expected to maintain and release to INS only information which is directly related to the student's immigration status *and* is directly related to the status of the individual as a student in the school.

Schools are not required to maintain in their files information about a student's employment, marital status, lifestyle, and personal conduct outside the normal scope of interest and concern of a school about one of its students.

3.6.2. Release of information from records. A designated school official is required to make available to any Service officer upon request and without subpoena any of the documents and records specified in 8 CFR 214.3(g)(1) (see Section 3.6.1 above). [8 CFR 214.3(g)(1)] Failure to do so constitutes cause for withdrawal on notice of the school's approval to enroll nonimmigrant students. [8 CFR 214.4(a)(1)(i)]

This requirement is one of the most troublesome responsibilities of approved schools and designated school officials. It raises questions of legal, ethical, educational, and practical concern which will be discussed in Section 3.6.4 below.

3.6.3. Reporting requirements. "At intervals specified by the Service but not more than once a term or session, the Service's processing center shall send each school (to the address given on Form I-17 as that to which the list should be sent) a list of all F-1 and M-1 students who, according to Service records, are attending that school. A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current addresses of all F-1 and M-1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service's processing center within sixty days of the date of the request." [8 CFR 214.3(g)(2)]

3.6.3.1. Reporting students who are not pursuing full courses of study. Periodically the INS will generate computerized lists of students who, according to its computerized record-keeping system, are attending each approved school or each campus of an approved school system. The requirement that a school official must note on the list whether or not each student on the list is pursuing a full course of study is relatively simple in most cases, but school officials must exercise care in making such notations, as a report that a student is not carrying a full program of study may result in the Service's initiating an investigation and possibly taking action against the student. In most schools, the information required for this report will be taken from school records which themselves are computerized. School officials will need to give careful attention to the case of each student who the record indicates is not enrolled full time, but who might in reality be pursuing a full course of study for purposes of the immigration regu-

lations. Some of these special cases which require careful attention are the following:

1. An F-1 student who is on an approved vacation period (see Section 3F.6.3). Such a student is considered to be pursuing a full course of study if the student was enrolled full time in the preceding term and is eligible to and intends to return to the same full-time program at the same school in the succeeding term.

2. Postdoctoral students usually are not formally registered as students, and therefore may not appear on enrollment lists, but they are considered to be pursuing full courses of study if they are carrying on the research or studies for which they were admitted and issued Forms I-20A-B.

3. Graduate students who are engaged in research on theses may not be formally enrolled or may be enrolled for a number of credit hours which is less than that normally defined as full time by the school. A school official would have to make a careful individual determination as to whether such a graduate student is or is not pursuing a full course of study as defined in the regulations.

4. An F-1 student engaged in an alternate work/study (cooperative education) program who is employed during a given term may not be formally registered at the school and may not appear on the school's usual computerized records, but is considered to be pursuing a full course of study during that term.

5. A student who is forced by illness to curtail or interrupt continuous school attendance may not appear on a school's normal computerized enrollment records but is considered to be pursuing a full course of study and should be so reported to the INS. [8 CFR 214.2(f)(5)(iii), 214.2(m)(10)(iii)]

6. A student on an approved practical training program is usually not formally enrolled in the school but is considered by INS to be pursuing a full course of study at the school which recommended the practical training (see Sections 3F.7.3 and 3M.7.2).

7. An undergraduate F-1 student or an M-1 student in a junior college or community college who needs less than twelve credit hours to complete the program of study is considered to be pursuing a full course of study if he enrolls in the number of credit hours necessary to complete the program in the final term. [8 CFR 214.2(f)(6)(ii), 214.2(m)(9)(i)]

8. An F-1 or M-1 student who lacks full English proficiency might be considered to be carrying a full program of study by taking less than the prescribed number of credit hours if that program is determined by the district director to be the equivalent of a full course of study. District directors have frequently made this determination in the past for students in the first year of study. [8 CFR 214.2(f)(6)(ii), (iii), 214.2(m)(9)(i), (ii)]

9. A student who has generally maintained or exceeded the minimum number of credit hours over a period of time but who does not complete the minimum

required number of credit hours in a particular term because of dropping a course due to imminent failure in the course might be held to be carrying a full course of study during that term. In the case of *Mashi v. INS*, a federal circuit court held that one undergraduate student could not be deported for failure to maintain student status by not completing twelve credit hours in one term. However, the INS interprets this case as having very limited applicability because of its special circumstances, so students and school officials should be cautious in attempting to apply its principle too broadly. (See *Interpreter Releases* Vol. 55, No. 50, December 28, 1978.)

Another potential problem which may arise from the reporting requirement is the timing of the required reports. If the INS sends a list of students for a report between school terms or during or shortly after a registration period for a new school term, it may not be possible for the school to provide the required information on a current basis. In such a case the school would need either to explain the circumstances to the INS and request an extension of the sixty-day reporting time or to make the report based on information from the preceding school term.

3.6.3.2. *Reporting names and addresses of students not on the INS lists.* In addition to noting on the INS list whether each student is or is not pursuing a full course of study, the school official is required to provide "the names and current addresses of all F-1 or M-1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status." [8 CFR 214.3(g)(2)] Since a school is required by the regulations to maintain records and information only on those students to whom it has issued Forms I-20A-B or I-20M-N (see 8 CFR 214.3(g)(1) and Section 3.6.1 above), this paragraph of the regulations can apply only to those students to whom the school has issued such forms. A school is not required to include other aliens in this report, but should include only those to whom the school has issued Forms I-20A-B or I-20M-N, who are enrolled in the school, but who are not on the list.

The requirement to provide "other information specified by the Service as necessary to identify the students and to determine their immigration status" should be interpreted in the same manner as the record-keeping requirement of 8 CFR 214.3(g)(1)(xii) (see Section 3.6.1 above). A school can reasonably be expected to provide only identifying information of a usual nature such as date and place of birth, the information specified in 8 CFR 214.3(g)(1)(i-xi) record-keeping requirements, and information which is directly related to the individual's immigration status and status as a student within the institution.

In all cases of reporting and release of information to the INS, the regulations require only the release of

information from school records as specified in 8 CFR 214.3(g)(1), and not from a school official's personal knowledge of a student's activities (see 8 CFR 214.3(g)(1) and Section 3.6.1 above). Items of information which are not part of a school's records cannot be demanded by the INS except through a process of subpoena of a school official to give written or oral testimony.

3.6.3.3. *Maintenance of record of reporting.* "The school must keep a record of having complied with the reporting requirements [of 8 CFR 214.3(g)(2), reporting on computer-generated lists] for at least one year." [8 CFR 214.3(g)(1)] Presumably a school would have to maintain copies of the reports made to the INS on the computer-generated lists for at least one year in order to be able to demonstrate on demand that it had complied with these requirements.

3.6.3.4. *No reports required on Form I-20B or I-20N.* Until August 1, 1983, schools were required to report to INS on Form I-20B when a student failed to enroll, failed to carry a full program of study, failed to attend classes, or terminated attendance. These reports on Form I-20B (or I-20N) are not required under the new regulations and need not be submitted after August 1, 1983. The response to INS computer-generated lists replaces the former reports on Form I-20B.

3.6.4. *Legal, ethical, educational, and practical considerations in release of information to the INS.* The requirements of the regulations that school officials release to any Service officer without subpoena the information and documents listed in 8 CFR 214.3(g)(1) and make periodic reports to INS on computer-generated lists raise substantial questions of legal, ethical, educational, and practical concern. This section of the *Manual* departs to some degree from the *Manual's* usual descriptive style in an attempt to address these questions and to offer some guidelines to schools and school officials who want to comply meticulously with the regulations while not surrendering their traditional roles as educators, counselors, advisers, and helpers to students. These guidelines are offered as an attempt to establish starting points for the interpretation and implementation of the new regulations before INS Operations Instructions are written and before schools and the INS have had any experience in working under the new regulations.

3.6.4.1. *Legal considerations.* The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment) prohibits schools from releasing information other than directory information from school records to most entities outside the school unless the student has signed a consent for the release of the specific information to a specific entity. The INS takes the position that the consent for the release of information from school records signed by each F-1 and M-1 student on page 2 of Form I-20A-B or I-20M-N constitutes "an effective method of insulating the school

from an allegation that it is in violation of the Buckley Amendment" and that "neither the school official nor the Service officer needs physical possession of the consent when a request for information under the reporting requirements is made." [Prefatory remarks to new regulations, page 14578 of *Federal Register* of April 5, 1983] Presumably INS has inquired of its legal staff and of the U.S. Department of Education about this matter and has been so informed. However, some institutional attorneys disagree with that interpretation and hold that a consent to the release of information from school records must be more specific and must be in the physical possession of the school in order for it to be an effective and legal consent. This conflict in the interpretation of the FERPA can ultimately be resolved only in a court of law, and no precedents exist at the present time.

In addition to the specific provisions of the FERPA, schools and school officials must be alert to the possibility of a student's bringing suit against the school and/or school official for invasion of privacy and violation of the traditional and accepted concepts of confidentiality of records and information which exist between an individual and an adviser or counselor. Such legal questions are even more problematical than those raised by the FERPA, and they are disturbing to school officials.

In order to protect themselves as far as possible from legal actions under the FERPA or wider concepts of privacy and confidentiality, schools and school officials are advised to establish and follow regular and consistent procedures and guidelines governing the release of information about students to the INS. The procedures and guidelines which follow are suggested as being in compliance with a reasonable interpretation of INS regulations regarding release of information. It should be understood, however, that precedents under the new regulations do not exist.

1. Schools should release information of any kind other than directory information about students to the INS only upon receipt of a written and specific request for the information. Unspecific requests for information should not be honored. Oral requests should be honored only under unusual conditions in which an immediate response would clearly be in a student's interests.

2. Schools should require a reasonable length of time in which to respond to requests for information so that a careful and thorough search of the records can be made, insuring an accurate response.

3. Schools should release information to the INS only about students to whom they have issued Forms I-20A or I-20M, and not about any other aliens who may be enrolled.

4. Schools should release only information from school records and not from the personal knowledge school officials might have about such matters as stu-

dents' employment, marital status, lifestyles, and personal conduct.

5. Schools should release information to the INS only about the specific items listed in the regulations (8 CFR 214.3(g)(1) and (2)), about matters which specifically relate to a student's immigration status under the regulations governing F-1 and M-1 students, and about matters which relate to the individual's status as a student within the school.

3.6.4.2. *Ethical considerations.* The role of "designated school official" for the administration of the school's responsibilities under the immigration regulations is usually only a relatively minor part of the school official's broader institutional role as adviser, counselor, and helper to the student. In their roles as advisers, counselors, and helpers, school officials receive information from and discuss with students a wide range of information which is not related to the immigration status of the student and which is often confidential and personal. The ethics of advising, counseling, and helping require the preservation of the confidential nature of this information. Violations of confidence constitute serious breaches of ethical and professional conduct.

Compliance with the guidelines outlined above under legal considerations forms the foundation for compliance with ethical and professional standards of conduct. In addition, school officials should make known to all students precisely what information about them is required to be released to the INS under the immigration regulations. It is essential that students have a clear understanding of this legal responsibility of the school and the school official in order to protect the integrity of the relationship between the student and the adviser. School officials must carefully limit their disclosures of information to the INS to those matters which are required under the regulations and which are fully known to their students, and must scrupulously preserve the confidentiality of all other information about the student.

3.6.4.3. *Educational considerations.* School officials must also constantly bear in mind that their roles, the roles of the schools which employ them, and the roles of the students they advise are educational and not legal in nature. Violations of confidences and unauthorized release of information are sure ways to destroy the educational relationship between school officials and students. That educational relationship and the educational function of the school official must take precedence over all considerations other than specific legal requirements if the educational process is to be optimally successful. In dealing with the INS and individual Service officers, school officials should continually emphasize the importance of that educational process and encourage Service officers to observe and respect it. Most Service officers are reasonable and will not demand actions by a school official which will erode or destroy the official's educational role. Upon encoun-

tering a Service officer who is not so inclined, school officials might be prudent to appeal to higher authorities—the district director, regional officers, or even INS Central Office staff—in an attempt to establish procedures and parameters for enforcement and administration of the immigration regulations which will not affect the basic educational relationship between students and their schools and school officials.

3.6.4.4. *Practical considerations.* Maintaining records and producing reports require financial and human resources which are scarce in most educational institutions. It is not unreasonable for the immigration regulations to require schools to maintain the specific records required by 8 CFR 214.3(g)(1) and to produce the periodic specific responses to INS computer-generated lists required by 8 CFR 214.3(g)(2). Those are the reasonable prices a school pays to enroll nonimmigrant students. However, it would be unreasonable for the Service to demand all or substantial parts of the information listed in 8 CFR 214.3(g)(1)(i) through (xii) for all or large numbers of students enrolled in a school. The intent of the regulations is to utilize schools to the extent practical in Service efforts to monitor the status of nonimmigrant students, and this is accomplished through the periodic reporting on INS computer-generated lists on all students and the occasional reporting of other required information upon demand on individual students who are under investigation. It is not the intent of the regulations to place an unreasonable burden of record-keeping and reporting on schools. Schools need not automatically and without question respond to requests by Service officers to produce voluminous and resource-consuming reports which are not specifically required by the letter and intent of the regulations and/or which do not serve a readily apparent purpose in the proper and orderly administration of the immigration law and regulations. Schools should insist that INS requests for information about students be made in writing, be specific, request only information which is related to the immigration status of the student and to the status of the individual as a student in the school, require only information from the school's records, and allow for a reasonable time for response. Requests by INS officers which do not comply with these guidelines should be appealed to higher authorities within the INS and ultimately, if necessary, adjudicated in a due process hearing.

3.7 Withdrawal of School Approval

3.7.1. *Withdrawal of school approval on notice (for cause).* The regulations authorize the Service to initiate proceedings for withdrawal of a school's approval to enroll nonimmigrant F-1 and M-1 students "on notice," which means withdrawal for cause. Specific grounds for withdrawal are enumerated in the regulations. An action for withdrawal on notice affords the school the protections of due process of law in order to prevent

arbitrary and improper withdrawals of approval, but the regulations of April 5, 1983, are much more specific than were the previous regulations regarding grounds for withdrawal. They allow INS greater authority to initiate and successfully conclude withdrawal proceedings.

3.7.1.1. *Grounds for withdrawal of school approval on notice.* The regulations provide that a school's approval to enroll nonimmigrant F-1 or M-1 students may be withdrawn on notice "if the school or school system is no longer entitled to the approval for any valid and substantive reason including, but not limited to, the following:" [8 CFR 214.4(a)(1)]

"(i) Failure to comply with [8 CFR] 214.3(g)(1) without a subpoena." 8 CFR 214.3(g)(1) requires that schools maintain specific records and information on F-1 and M-1 students and that schools release that information to any Service officer upon demand (see Section 3.6.1). A reasonable interpretation of that requirement is that a Service officer would have to make such requests in writing, that the requests be specific and limited to the items specified in the regulations, that the school be allowed a reasonable amount of time in which to respond, and that the other parameters suggested in Sections 3.6.1 and 3.6.4 be observed.

"(ii) Failure to comply with [8 CFR] 214.3(g)(2)." That paragraph refers to the requirement to report periodically on computer-generated lists whether students on the list are pursuing full courses of study and to add to the list the names and addresses of other F-1 and/or M-1 students who are enrolled and to whom the school has issued Forms I-20A-B or I-20M-N. A reasonable interpretation of that requirement would mean that the Service should follow the guidelines outlined in Sections 3.6.2 and 3.6.4.

"(iii) Failure of a designated official to notify the Service that an F-1 student intends to transfer to another school as required by [8 CFR] 214.2(f)(8)(ii)." When an F-1 student wishes to transfer to another school to continue the same program of study, the official of the school the student was previously authorized to attend is required to follow the procedures outlined in Section 3F.9.2.1. The school official may not refuse to follow these procedures for any reason, and if the school official fails to follow the procedure, this failure constitutes a ground for withdrawal of the school's approval on notice.

"(iv) Willful issuance by a designated official of a false statement or certification in connection with a school transfer or an application for employment or practical training." Note the inclusion of the word "willful" in this provision. Note also that the provision refers to a "false statement or certification" by a school official, and says nothing about a recommendation. Some school officials are concerned about the inclusion on Form I-20 Transfer (page 7 of Form I-20A-B) of a recommendation by the school official regarding the

transfer and the listing of several reasons for a negative recommendation about the transfer. That recommendation is a personal recommendation of the school official and not a certification that the student is eligible for transfer. The regulations do not require that the school official make a negative recommendation even if the official is aware of some circumstance which might make the transfer undesirable, and do not require that a school official check any of the specific reasons for a negative recommendation even if the official is aware that one or more of these conditions may exist. Failure by a school official to make a negative recommendation on a transfer, regardless of the circumstances, does *not* constitute a ground for withdrawal of school approval. That recommendation is a personal and individual recommendation which will be used by the Service only to initiate an investigation of the student's status and not to initiate action against the school or school official.

"(v) Any conduct on the part of a designated official which does not comply with the regulations." That statement is distressingly vague and all-inclusive at first examination. However, the regulations in most circumstances are quite specific, and a reasonable interpretation of the regulations also leads to a reasonable and limited interpretation of this specific provision. It is unlikely that the INS would initiate proceedings for withdrawal on notice for minor, infrequent, or innocent violations of the regulations or for an insistence by a school official that the regulations be interpreted with reason and with respect for their intent as well as for their specific wording.

"(vi) The designation as a designated official of an individual who does not meet the requirements of [8 CFR] 214.3(1)(1)." This refers to the designation as a school official of a person who is principally a recruiter, who is not regularly employed at the location of the school in the United States, and/or who otherwise does not qualify as a designated school official as described in Section 3.4.1.

"(vii) Failure to provide the Service with the names, titles, and sample signatures of designated officials as required by [8 CFR] 214.3(1)(2)." See Sections 3.2.1.4 and 3.4.2.

"(viii) Failure to submit statements of designated officials as required by [8 CFR] 214.3(1)(3)." See Sections 3.2.1.4 and 3.4.3.

"(ix) Issuance of Forms I-20A or I-20M to students without receipt of proof that the students have met scholastic, language or financial requirements." See Section 3.5.1.

"(x) Issuance of Forms I-20A or I-20M to aliens who will not be enrolled in or carry full courses of study as defined in [8 CFR] 214.2(f)(6) or 214.2(m)(9)." This refers to the intent of the school which issues the Form I-20A-B or I-20M-N. The school which issues the form must do so with the understanding that the student is admitted for the purpose of carrying a full program of

study, and not for a part-time or casual program. If the student subsequently fails to carry a full program of study, only the student is subject to punitive action, and the school cannot be held responsible for the failure of the student to comply with the regulations. The school must only report this fact to the INS when it next is required to respond to a periodic computer-generated list from the INS or when requested to do so by an INS officer.

"(xi) Failure to operate as a bona fide institution of learning."

"(xii) Failure to employ qualified professional personnel." Presumably this refers principally to teachers who teach the students, but it could also be applied to designated school officials who demonstrate that they are not qualified for their positions by not observing the immigration regulations.

"(xiii) Failure to limit its advertising in the manner prescribed in [8 CFR] 214.3(j)." That paragraph limits a school in its advertising and publicity with regard to its approval to accept nonimmigrant students to a statement which reads "This school is authorized under Federal law to enroll nonimmigrant alien students." The limitation is designed to prevent schools from implying any INS endorsement of or recommendation about the school by virtue of its approval to enroll F-1 or M-1 students.

"(xiv) Failure to maintain proper facilities for instruction." This refers to the physical plant of the school, its library and laboratory resources, and any other facilities which are required for proper instruction which is conducted by the school. It is not a new requirement and should not be taken as any particular change of direction or attention by INS, which is usually not qualified or able to determine what does and does not constitute proper facilities except in the most extreme cases.

"(xv) Failure to maintain accreditation or licensing necessary to qualify graduates as represented in the petition." Loss of accreditation or licensing in itself would not necessarily constitute a ground for withdrawal of school approval. It would be a cause for withdrawal if the loss of accreditation or licensing affected negatively the school's ability to qualify graduates in the manner which was represented in the initial petition for school approval or any subsequent review of that approval or if the school could no longer meet the requirements of 8 CFR 214.3(b).

"(xvi) Failure to maintain the physical plant, curriculum, and teaching staff in the manner represented in the petition for school approval." A school cannot build itself up in order to obtain school approval and then let itself go down after obtaining that approval. If it does not maintain the physical plant, curriculum, and teaching staff as represented in the petition, its approval can be withdrawn on notice.

"(xvii) Failure to comply with the procedures for issuance of Forms I-20A or I-20M as set forth in [8

CFR] 214.3(k)." See Section 3.5.1. This provision appears to be only an expansion of (ix) above.

3.7.1.2. Procedures for withdrawal on notice. If a district director determines that a school is no longer entitled to school approval to enroll nonimmigrant students for one or more of the reasons enumerated above, the INS will send a warning letter to afford the school an opportunity to rectify the situation. If grounds for withdrawal continue to exist, however, the INS will serve notice on the school of its intention to withdraw approval. The notice states the grounds on which the Service intends to withdraw approval and informs the school that it may submit within thirty days written representations supported by evidence setting forth reasons why the approval should not be withdrawn, and may request a hearing before an immigration judge. If the school admits the allegations or fails to respond within thirty days, school approval is withdrawn.

If the school does contest the allegations and requests a hearing, that hearing is conducted before an immigration judge. The INS is represented at the hearing by a trial attorney. The school may be represented by counsel at no expense to the government. The school has the opportunity to examine and object to evidence introduced against it, to present evidence in its own behalf, and to cross-examine witnesses. The immigration judge makes a decision either to withdraw the school's approval or to terminate the proceeding and allow the school approval to stand. That decision is final unless it is certified by the immigration judge to the regional commissioner for review or is appealed to the regional commissioner by either the school or the government trial attorney. [8 CFR 214.4(a)(1)]

3.7.1.3. Reapplication after withdrawal on notice. "If a school's approval is withdrawn on notice . . . the school is not eligible to file another petition for school approval until at least one year after the effective date of the withdrawal." [8 CFR 214.4(a)(1)]

3.7.2. Automatic withdrawal of school approval. A school's approval to enroll nonimmigrant F-1 and/or M-1 students will be automatically withdrawn without a hearing if:

1. The school fails to respond to a notice of intention to withdraw approval for cause. [8 CFR 214.4(c)]

2. The school terminates its operations. [8 CFR 214.4(a)(2)]

3. The school changes ownership, unless the school files a new petition for school approval within sixty days of the change of ownership. [8 CFR 214.4(a)(2)]

"Automatic withdrawal of a school's approval is without prejudice to consideration of a new petition for school approval." [8 CFR 214.4(a)(2)]

3.8 Summary and Conclusion

The regulations of April 5, 1983, place a greater degree of responsibility than in the past upon the schools

approved for attendance of F-1 and M-1 students and upon the designated officials of those schools. The intent of this change in focus is for the INS to rely increasingly on approved schools to provide it with information related to the immigration status of the students and to control abuses by mala fide schools. The new focus of enforcement efforts by the INS on approved schools and designated school officials poses problems for those schools and school officials in interpreting the new regulations before INS Operations Instructions have been written and before the schools or the Service have had any experience in administering them.

Lacking the Operations Instructions and a past history of actions under the new regulations, we have attempted in this section of the *Manual* to suggest guidelines and principles by which schools can comply meticulously with the regulations and continue a coop-

erative relationship with the INS while not eroding the traditional educational roles played by the schools and school officials and while not surrendering important educational and humanistic principles and practices. These guidelines and principles are based upon the assumptions that the INS is more interested in monitoring and controlling the activities of nonimmigrant aliens than it is in harassing schools and school officials, and that the INS, as well as schools, is required to comply with the letter and intent of the regulations. After schools gain experience with the regulations, this section of the *Manual* may need to be revised with new interpretations. Until then, NAFSA recommends these guidelines to schools so that they can continue with minimal disruption their efforts at expanding and enriching opportunities for international educational exchange at U.S. schools.

SECTION 3F

STUDENT (F) STATUS

3F.1 Definition of F-1 Status

An F-1 visa and F-1 student status may be granted to an alien who is a bona fide student "qualified to pursue a full course of study" at an academic or language institution authorized to admit foreign students. When applying for an F-1 visa, the individual must prove to a U.S. consular official that he wishes to enter the U.S. temporarily and solely for the purpose of study and that he has a permanent residence in a foreign country which he has no intention of abandoning. [Act 101(a)(15)(F)]

3F.2 Responsibilities Assumed by an Approved School

Before a school may enroll nonimmigrant F-1 students, it must secure approval from the Immigration and Naturalization Service. A petition for approval is filed on Form I-17 (Petition for Approval of School for Attendance by Nonimmigrant Students) and Form I-17A (Designated School Officials), revised in 1983. The petition is filed with the district INS office having jurisdiction over the place in which the school or school system is located.

To obtain approval for attendance by nonimmigrant students, a school must submit, along with Forms I-17 and I-17A, evidence of its bona fides as an educational institution. Furthermore, it must confirm that it has designated certain officials to sign Forms I-20A-B, and it must affirm its intention to abide by certain reporting requirements. If the petitioner is a school system, it must also submit Form I-17B (School System Attachment).

More information about the responsibilities assumed by a school approved for attendance by nonimmigrant students is in Section 3.2.

3F.3 Issuance of Form I-20A-B to F-1 Students

An approved school may issue a Form I-20A-B to a foreign applicant only after the following conditions have been met:

"(1) The prospective student has made a written application to the school,

(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.

(4) The official responsible for admission at the school has accepted the prospective student for enrollment for a full course of study." [8 CFR 214.3(k)]

3F.3.1. Academic requirements. The academic institution should satisfy itself that the applicant has successfully completed a course of study equivalent to that normally required of an American applicant seeking admission to the school at the same level.

3F.3.2. Language proficiency. The applicant should be adequately proficient in English to pursue his course of studies, or arrangements must be made to provide him with instruction in English.

Academic institutions may require the foreign applicant to take a standardized English proficiency test as a condition of admission. Such tests are administered at various centers in the U.S. and abroad. Proficiency in English need not be required if the institution in which he will enroll conducts its courses in a language in which the alien is proficient or will enroll the applicant for a full course of English or a combination of English training and academic courses which will constitute a full course of study. [22 CFR 41.45(a)(3)] In addition, if the school will provide a part-time course in English in order to improve the alien's command of the language, full proficiency need not be required.

3F.3.3. Financial verification. The school is required to obtain verification from the applicant that he has financial resources which are adequate to provide for his expenses at the school without resorting to unauthorized employment. [8 CFR 214.3(k)(2), 214.4(a)(1)(ix)] Funds may come from scholarships, fellowships, sponsoring agencies, the student's family, or any dependable source. The school should be satisfied that funds

are guaranteed at least for the student's first year of study at the school and that, barring unforeseen circumstances, funding will also be available from the same or equally dependable sources for subsequent years.

If the student is depending on funds from a source outside the U.S., the academic institution in which he plans to enroll is well advised to determine whether there are restrictions on the transfer of dollars from the country in which the funds are held. If such restrictions exist, the student should present evidence that they will not prevent his funds from being transferred. Alternatively, the school may wish to require an advance deposit of tuition, and perhaps living expenses as well, before issuing the Form I-20A-B.

Newly admitted applicants should be advised that they are required to present documentary evidence of financial support at the time they apply for a visa, and again when they apply for entry into the United States.

3F.3.4. Full course of study. In issuing Form I-20A-B to a foreign applicant, the authorized school official certifies that the applicant is admitted to the institution for the purpose of enrolling in a full course of study which will lead to the attainment of a specific educational or professional objective. A school may not issue a Form I-20A-B to anyone who is not expected to be engaged in a full course of study as defined in Section 3F.6.2. (See Section 3F.11 for use of Form I-20A-B for postdoctoral students.)

Form I-20A-B is to be issued only within the United States, and only after it has been fully and accurately completed. In signing a Form I-20A-B, a designated school official affirms "under penalty of perjury" that he or some other school official has examined the student's academic record and financial documentation, and has determined that the student meets the school's admission standards.

3F.4 Obtaining a Visa and Entering the U.S.

To enable an applicant to obtain an F-1 visa and/or enter the U.S. for the purpose of undertaking a full course of study, the designated school official issues the student a properly executed Form I-20A-B. It is advisable to keep a copy of the Form I-20A-B for the school's file.

The applicant must complete pages 2 and 8 of the Form I-20A-B, on which are listed a number of conditions a student accepts when he is granted F-1 status. The applicant retains page 8, which is a copy of page 2 and which serves as the applicant's reminder of the conditions to which he agreed. The designated school official, as well as the applicant, should be thoroughly familiar with these conditions.

Although the institution may be satisfied that an applicant meets all the conditions specified in assuming F-1 status, the U.S. consular official makes the ultimate

decision as to whether the applicant will be granted an F-1 student visa (see Section 2.3.4).

3F.4.1. Aliens subject to passport and visa requirements. An alien who is required to have a valid passport and visa for entry to the U.S. (see Sections 2.2.4 and 2.3.2) applies for an F-1 visa at a U.S. consulate or embassy. In Taiwan, application is made at the American Institute. During a personal interview with the consular official, the applicant presents a valid passport and Form I-20A-B, with pages 2 and 8 of the form completed. Other documents, such as proof of English language proficiency and verification of financial support, may be requested by the consular official (see Section 2.3.3) to establish that the student meets all the requirements for nonimmigrant status. A U.S. consular official may require an applicant for an F-1 visa to post a bond to insure that he will maintain his lawful nonimmigrant status and depart from the U.S. after completing his specific educational objective. [22 CFR 41.91(b)(2); 41.45(a)(4)] Such departure bonds are required infrequently.

If the visa application is approved, a visa stamp is placed on a page in the applicant's passport, noting the period of its validity and number of entries allowed (see Section 2.3.1), and the name of the school whose Form I-20A-B the applicant used to obtain the visa. The Form I-20A-B is then returned to the applicant for his use in applying for admission to the U.S.

Extraordinary circumstances might prevent a person admitted to a school from getting a Form I-20A-B in time to apply for a visa and reach the school in a timely way. In such circumstances, the school can telephone the Visa Office of the Department of State (202-632-1972) to confirm that a Form I-20A-B has been issued to the prospective student, to provide "information contained on that form, and to guarantee payment for a cable to the consular post. The Visa Office can then send an "interested party cable" to the consular post where the applicant is seeking a visa. Upon receipt of that cable the consular officer can, if the applicant is otherwise eligible, issue an F-1 visa. The applicant who receives an F-1 visa under these circumstances is given a copy of the interested party cable to present, in lieu of a Form I-20A-B, to the immigration officer at the port of entry. Students who present an interested party cable rather than a Form I-20A-B will be admitted to the U.S. with Form I-515 (see Section 3F.4.3).

Visa Office officials stress that interested party cables are to be requested only under unusual and pressing circumstances. Schools are expected to make all possible efforts to see that the Forms I-20A-B they issue reach their intended recipients in time for them to acquire F-1 visas in the normal way.

When the applicant arrives at the U.S. port of entry, he presents his passport, visa, evidence of financial support, and his copy of the Form I-20A-B or the interested party cable to the immigration official. If he has

previously been in the U.S. in F-1 or M-1 status and has been issued Form I-20 ID copy, he presents that as well. Before admitting the applicant to the United States, the immigration official must be satisfied that the applicant is destined to and intends to attend the school specified in the visa.

Upon admitting the student to the U.S., the immigration officer issues him a Form I-94 (Departure Record), showing the date and place of entry, the alien's status as an F-1 student, and a unique eleven-digit "admission number."

The admitting immigration official also gives the student Form I-20 ID copy (if the student has not already been issued one), which also shows the date and place of admission and on which the admission number is written.

People familiar with the immigration documentation used for F-1 students before August 1, 1983, might experience some confusion concerning the documents put into use on that date. Some elaboration about them may therefore be in order. The Form I-94 (Arrival-Departure Record) was for many years a small slip of paper that carried a record of all of a student's transactions with the INS. On January 1, 1983, the Form I-94 was revised to be a two-part form on heavier paper. One part records arrivals; that part is retained by the INS at the port of entry. The other part, properly known as a Departure Record, is given to the student. The Form I-94 is given to all nonimmigrants, not just students. Except in the case of students, it will continue to be used after August 1, 1983, to record all of the nonimmigrant's transactions with the INS. It contains an eleven-digit number the Service uses to record arrivals and departures of nonimmigrants. This number goes into the Nonimmigrant Information System (NIIS) the Service adopted in 1983 to keep track of the arrivals and departures of nonimmigrants.

Effective August 1, 1983, entering F-1 students (but not their dependents in F-2 status) will receive a new form called a "Form I-20 ID copy" in addition to the Form I-94. This form will become the one on which F-1 students' transactions with the INS are noted. The admission number as shown on the Form I-20 ID copy (and on the Form I-94) goes into what is called the "student enhancement" of the Service's Nonimmigrant Information System. By means of the student enhancement program, the INS intends to keep track not just of the arrivals and departures of F-1 students, but of their fields of study, degree objectives, transfers of school, and several other matters. F-1 students will no longer use their Forms I-94 to get a record of INS decisions on applications for nonimmigrant benefits such as permission to work or to transfer schools. Rather, they will submit their Forms I-20 ID copy with applications for these benefits, and the Form I-20 ID copy will become the record of INS decisions affecting their status in the U.S.

The admission number is intended to be an individual alien's lifelong identifying number for study in F-1 or M-1 status. Students in F-1 status are instructed to keep the Form I-20 ID copy in their possession at all times, and not to surrender it upon leaving the U.S. The Form I-94, by contrast, is to be surrendered upon departure, except in the case of visits of thirty days or less to Canada, Mexico, or adjacent islands other than Cuba. When an F-1 student who has surrendered Form I-94 upon departure from the U.S. subsequently reenters the U.S. he is issued a new Form I-94 but not a new Form I-20 ID copy. The preprinted admission number on the new Form I-94 is stricken and replaced with the student's Form I-20 ID copy admission number. The INS hopes anyone who receives a Form I-20 ID copy will retain it as long as there is any possibility that he will seek to enter the U.S. in F-1 or M-1 status. An alien who is seeking admission to the U.S. in F-1 or M-1 status and who has previously been in the U.S. as an F-1 or M-1 student but does not know his admission number can experience delays at the port of entry while the Service searches its records for his admission number.

Additional information about the uses of Form I-20 ID copy appears throughout this section of the *Manual*.

The F-1 student will be admitted to the United States for "duration of status," noted as "D/S" on the Form I-20 ID copy. "Duration of status means the period during which the student is pursuing a full course of study in one educational program (e.g., elementary school, high school, bachelor's degree program) and any period or periods of authorized practical training, plus thirty days following completion of the course of study or authorized practical training within which to depart from the United States." [8 CFR 214.2(f)(5)(iii)] In addition to enrolling full time during the academic year, F-1 students must keep their passports valid for at least six months into the future (unless they are exempt from the passport requirement).

3F.4.2. Aliens not subject to passport and visa requirements. Passport and visa requirements for entry to the U.S. do not pertain to certain aliens. The most important exceptions to the passport and visa requirements are Canadian citizens or landed immigrants of Canada having a common nationality with Canadians who are entering the U.S. from the Western Hemisphere, and natives and residents of the Trust Territory of the Pacific Islands who have proceeded in direct and continuous transit from the Trust Territory to the United States (see Section 2.2.4). [8 CFR 212.1(d)] An alien in one of these categories applies directly to an immigration inspector at the U.S. port of entry for admission as an F-1 student. The procedure is the same as that followed by aliens subject to passport and visa requirements except that the applicant need not present either a passport or a visa.

3F.4.3. Temporary admission with Form I-515. If a prospective F-1 student appears at a port of entry and does not have a properly completed Form I-20A-B but otherwise appears eligible for admission as an F-1 student, the INS inspector can admit him for a period of thirty days and give him Form I-515 (Notice to Student or Exchange Visitor, reproduced in Appendix 3). That form instructs the alien to obtain a properly completed Form I-20A-B from the school he is attending and send it, along with his Form I-20 ID copy if he has one, or else his Form I-94, to the INS office which has jurisdiction over the school. The district office will then grant the alien permission to stay for duration of status, noting the extension on the student's Form I-20 ID copy.

Effective October 1, 1983, aliens need the 1983 revision of Form I-20A-B in order to be admitted to the U.S. in F-1 status. Before October 1, aliens can use the 1981 edition of Form I-20A-B to seek admission in F-1 status if the Form I-20A-B has been amended as follows: [INS Central Office telegram to field offices, February 9, 1983]

(1) The student's level of education (primary, high school, undergraduate, graduate master's, graduate Ph.D., language training, or other for an F-1 student; and high school or other vocational for an M-1 student) must be added between items 2 and 3 on page 1 of Form I-20A.

(2) In item 4 on page 1 of Form I-20A, the wording "costs for an academic term of _____ months up to 12 months" must be substituted for "monthly costs." The number of months must be indicated in the blank space.

(3) In item 5 on page 1 of Form I-20A, the wording "for an academic term of _____ months up to 12 months" must be substituted for "on a monthly basis." The number of months must be indicated in the blank space and must be the same number of months given in item 4.

(4) A three-digit school suffix preceded by a decimal point must be added to the school file number in item 7 on page 1 of Form I-20A. Each school system other than an elementary or secondary school system must assign permanent consecutive numbers to all schools or campuses within its system and use these numbers in the suffixes (.001, .002). Elementary and secondary schools and schools which are not part of a school system must use suffixes consisting of three zeros preceded by a decimal point (.000).

(5) The full name of the school official must be typed or printed near the signature at the bottom of page 1 of Form I-20A.

A prospective F-1 student who after August 1, 1983, presents a Form I-20A-B which does not meet these standards will be admitted for thirty days with a Form I-515 as described above. [INS Central Office telegram to field offices, March 25, 1983]

If the immigration inspector at the port of entry is unable to ascertain that the applicant is eligible for

admission as an F-1 student, he may parole the alien into the U.S. for "deferred inspection." When that happens, the alien is required to appear in person at the district INS office with jurisdiction over the school he plans to attend (see Section 8.2.3).

3F.5 Restoration of Duration of Status

Until January 1, 1979, F-1 students were admitted to the U.S. for a period of no longer than one year, and were required to apply for annual extensions of stay as long as they remained in the U.S. as students. Between January 1, 1979, and March 30, 1981, F-1 students were admitted to the U.S. for "duration of status" if they were entering courses of study that were expected to last longer than one year. Effective March 30, 1981, "duration of status" was eliminated from the regulations and all F-1 students were admitted for or converted to (if they were already in the U.S.) "date certain status," based upon the anticipated completion date of their studies as certified on the Form I-20 most recently issued them by the school they were attending.

Effective August 1, 1983, the concept of duration of status was reintroduced. [8 CFR 214.2(f)(5)] Entering students were admitted to the U.S. for duration of status, as defined in Section 3F.4.1 above. Students pursuing a full course of study as of August 1 in "a college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or in a language training program . . . and otherwise in status" as students were "automatically granted duration of status." Current students were not required to report to the INS on August 1 to have "D/S" noted on their Forms I-94 or to be issued the Form I-20 ID copy, which came into use on August 1. Rather, the INS said F-1 students would get the D/S notation when they next came into contact with the Service, or by means of a registration program planned for the spring of 1984.

3F.6 Maintenance of Status

3F.6.1. General requirements. Once an alien is admitted to the U.S. in F-1 status, he must meet certain obligations in order to maintain that status. He must continue to carry a full course of study (see Section 3F.6.2) at the school he was authorized to attend. He must not accept employment off campus without prior INS approval (see Section 3F.7), and he must keep his passport valid for at least six months into the future (see Section 2.2.4). He must apply for an extension of stay if he wishes to remain in the U.S. to undertake an additional educational program beyond the one for which he was originally admitted (e.g., to pursue a bachelor's degree after completing high school, or a master's after a bachelor's; see Section 3F.8). A student whose Form I-94 shows an expiration date must consider his period of permission to remain in the U.S. to last until he completes the educational program in which he was

participating as of August 1, 1983, plus any period of authorized practical training, plus thirty days in which to depart from the United States.

If he wishes to transfer to another school, he must apply for permission to do so (see Section 3F.9).

3F.6.2. Full course of study. A full course of study is defined as follows: [8 CFR 214.2(f)(6)]

"(i) Postgraduate study or postdoctoral study or research at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official as a full course of study;

(ii) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all undergraduate students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(iii) Study in a postsecondary language, liberal arts, fine arts, or other nonvocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of 8 CFR 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iv) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week provided that the dominant part of the course of study consists of classroom instruction and twenty-two clock hours a week provided that the dominant part of the course of study consists of laboratory work; or

(v) Study in a primary or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation."

3F.6.3. Vacation periods. F-1 students attending academic institutions on the semester system need not enroll during the summer if they are eligible to and intend to enroll for the subsequent semester. "A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer . . . is considered to be in status during that vacation provided that the student is eligible, and intends, to register for the next term and . . . has completed the

equivalent of an academic year prior to taking the vacation." [8 CFR 214.2(f)(5)(iii)]

3F.6.4. Disclosure of information; criminal activity. F-1 students, like all other nonimmigrants, are required to disclose fully and truthfully all information requested by INS regardless of whether the information requested is material. Failure to do so constitutes a violation of status. [8 CFR 214.1(f)] They are also required, as a condition of their admission, to obey all laws which prohibit the commission of crimes of violence. Conviction of a crime of violence for which a sentence of more than one year could be imposed, regardless of whether such a sentence is in fact imposed, constitutes a violation of status. [8 CFR 214.1(g)] While there is some question as to the constitutional legitimacy of these conditions of maintaining status, they have not been tested in the courts and remain as part of the regulations.

3F.7 Employment

Employment means the rendering of services on either a part-time or full-time basis for compensation, financial or otherwise, including self-employment. An F-1 student may accept employment or engage in business only under certain conditions and, in most cases, only after securing INS approval. F-1 students are permitted to work only under the following conditions:

3F.7.1. Off-campus employment. An F-1 student may accept off-campus employment only if INS has granted prior approval. F-1 students who remain in the United States for one year or less are prohibited from working off campus. F-1 students who intend to remain in the U.S. for more than one year cannot legally work off campus during their first year in F-1 status. Students who pursue more than one course of study are prohibited from working off campus only during the first year of the first course of study. "The first year of study means the first full year in the United States in bona fide F-1 status. A temporary absence of five months or less from the United States during the first full year does not disqualify an F-1 student from being eligible for employment authorization."

In order for a student to qualify for permission to accept off-campus employment, the following conditions must be met: (1) the student must be in good standing and be carrying a full course of study; (2) the student must have demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification; (3) the student must have demonstrated that accepting employment will not interfere with his carrying a full program of study; and, (4) the student agrees employment will not exceed twenty hours per week while school is in session. The student applies to INS on Form I-538, which must be endorsed by a designated school official (usually the foreign student adviser) cer-

tifying that the listed conditions have been met. The Form I-538, the fee (see Fee Schedule, Appendix 1), and the student's Form I-20 ID copy must be submitted to INS for a decision on the application. If INS approves the work permit, the Form I-20 ID copy is endorsed to show approval and the dates the work authorization begins and ends; if INS denies the work permit, the Form I-20 ID copy is usually endorsed accordingly, although this is not required. The student does not have permission to engage in employment until he receives the Form I-20 ID copy endorsed by INS to show that permission.

An approved off-campus work permit authorizes a student to work up to a maximum of twenty hours per week while school is in session and full time during vacation periods or when the school is not in session. The student may work during summer vacation only if he is registered for the following term or is eligible and intends to register for that term. Work permission expires on the date specified on the Form I-20 ID copy, or when the student transfers to another school or completes a course or courses of study, or when the need for employment ceases. [8 CFR 214.2(f)(9)(ii and iii)]

A significant change in the regulations which became effective January 1, 1979, pertains to the procedures by which off-campus work permits are adjudicated. Prior to that time, INS determined the facts of the case—specifically, whether the student had experienced unforeseen change in financial circumstances—on the basis of the statements made in the application and supporting documents. The changed regulations provide that the authorized school official *certifies* the facts of the case by signing the Form I-538. This change places a greater responsibility on the school official to evaluate the facts of the case thoroughly and to sign the Form I-538 only when satisfied that all requirements have been met. It is the adviser's responsibility to obtain information regarding the economic necessity criterion.

Students from the Trust Territory of the Pacific Islands must apply to INS for off-campus work permission on Form I-538. Economic necessity due to unforeseen circumstances which arose subsequent to entry or to change to student status should be indicated; however, all such applications will be approved. [OI 214.2(f)(3) This reference may change with issuance of new Operations Instructions in 1983]

Permission to accept off-campus employment, whether or not that employment is a part of an academic program, is automatically suspended if the Secretary of Labor certifies to the INS that a strike or other labor dispute involving a work stoppage is in progress at the student's place of employment. [8 CFR 214.2(f)(9)(v)]

3F.7.2. On-campus employment. An F-1 student may accept employment at the institution which he is authorized to attend without prior approval from INS. "On-campus employment means employment performed on

the school's premises." On-campus work is limited to twenty hours per week while school is in session. Full-time work is permitted during the student's vacation periods if the student is eligible, and intends, to register for the subsequent academic term. On-campus employment which is undertaken pursuant to the terms of a scholarship, fellowship, or assistantship is considered to be part of the student's program of study. Such employment is authorized if the student is in good academic standing and is enrolled in a full course of study. Any on-campus employment other than that which is pursuant to a scholarship, fellowship, or assistantship is authorized only if it does not displace a U.S. citizen or permanent resident. Employment on campus is not permitted after completion of a course or courses of study unless it is authorized as practical training (see the next Section). [8 CFR 214.2(f)(9)(i)]

3F.7.3. Practical training. An F-1 student may be eligible to accept or continue employment in order to obtain practical training during his course of studies or upon graduation or completion of his studies. [8 CFR 214.2(f)(10)] Permission to engage in practical training is not automatically granted, and care must be exercised in the preparation of practical training applications.

3F.7.3.1. Qualifications. Temporary employment for practical training may be authorized: "(a) after completion of the course of study if the student intends to engage in only one course of study; (b) after completion of at least one course of study if the student intends to engage in more than one course of study; (c) after completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program; (d) before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field; or (e) before completion of the course of study during the student's annual vacation if recommended by the designated school official as beneficial to the student's academic program." The latter is a new provision, permitting students for the first time to gain practical experience in their fields of study before graduating. A student may also engage in practical training as a participant in an alternate work/study program (cooperative education program) before he has completed his course of study (see Section 3F.7.4).

The training an applicant seeks must be "related to [his] course of study." In addition, training comparable to that which the applicant seeks must, "upon the designated school official's knowledge and belief," be unavailable to the student in his own country.

3F.7.3.2. Limitations on training period. An F-1 student not in a language program is eligible for a maximum of twelve months of practical training, unless his

period of schooling is shorter than twelve months. In cases where the period of schooling is less than twelve months, the period of practical training cannot be longer than the period of schooling. In cases where the period of study has been at least twelve months long, practical training can be authorized initially for six months or less if the student has no offer of temporary employment for practical training; for twelve months or less if he has such an offer; or eight months or less if he is applying to continue temporary employment for practical training. "The period of practical training which may be granted during a student's vacation, however, is limited to the length of the vacation rounded off to the closest number of months. A student may not be granted a period of practical training which would result in . . . being engaged in practical training for more than twelve months in the aggregate."

F-1 students completing a language program may be granted one month of practical training for each four months that have been spent in study.

If the training sought by a graduating F-1 student cannot be completed within the maximum training period for which he is eligible, permission for the training "may not be granted." A change to another nonimmigrant status is called for in these cases. That other nonimmigrant status may be H-1 (for people completing programs that qualify them to practice a profession), H-3 (for trainees at a lower or less specialized level of education), or J-1 (if the graduate's prospective employer is the sponsor of an Exchange Visitor Program whose activities encompass the proposed training). (See Section 2.7 concerning changes of nonimmigrant classification.)

When an applicant for practical training has previously participated in an "alternate work/study program" in which employment was an optional part of the regular curriculum (see Section 3F.7.4), his application for practical training should be accompanied by a letter from the school stating how many hours the applicant worked off campus, what his duties were, and where he was employed. Time spent in the off-campus employment will be subtracted from the amount of practical training time for which the applicant might otherwise be eligible.

When a student is granted practical training, his permission to stay in the U.S. is made valid until the specific date which is shown on the Form I-20 ID copy, plus thirty days in which to depart from the U.S. The student is not authorized to engage in practical training until receipt of the Form I-20 ID copy endorsed to show authorization of practical training.

3F.7.3.3. Application procedure. Application for practical training permission is made on Form I-538. The student should complete pages 2, 3, and 4 of the form and the designated school official should complete page 1, certifying the student's status, that a period of practical training is recommended, and that, upon

information and belief, such training is unavailable to the student in his home country. The foreign student adviser may wish to consult with or obtain a letter from the student's academic adviser before signing the Form I-538 and may wish to submit a copy of that letter along with the application. When completed, the Form I-538 should be submitted to the INS office having jurisdiction over the area in which the school is located, together with the student's Form I-20 ID copy (and the Forms I-94 of his dependents, if any), and the required fee (see Fee Schedule, Appendix 1).

It is not necessary for the student to have a job offer at the time the application for an initial period of practical training is filed, as long as the school has recommended a period of practical training.

The application for the initial period of training after completion of a course of study should be filed "not more than sixty days before completion of the course of study nor more than thirty days after completion of the course of study."

If an application is approved to begin practical training after completion of a course of study, the training period begins on the date the student starts working or sixty days after completion of his course of study, whichever is earlier.

The application for the second period of practical training, when necessary, is submitted to the INS office having jurisdiction over the student's place of employment. This application includes a completed Form I-538 signed by the appropriate official of the school from which the student graduated, the student's Form I-20 ID copy, the fee for the Form I-538 (see Fee Schedule, Appendix 1), and, if applicable, the Forms I-94 of any dependents. In addition, the application must include "a letter from the applicant's employer stating the applicant's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the applicant's occupation."

The designated school official may want to indicate on Form I-538 the recommended termination date for the continuation of approved practical training to help insure that the INS considers the beginning of practical training to be as specified in the regulations—the date the student began employment or sixty days after completion of the course of study, whichever was earlier. The application to continue practical training after completion of a course of study must be filed between sixty and fifteen days in advance of the expiration of the applicant's currently authorized period of practical training.

An application for permission to undertake practical training before completion of the course of study (during a vacation period) is submitted to the INS office with jurisdiction over the school the student is authorized to attend. No evidence of a particular job offer is needed with the application unless the student is applying for permission to continue practical training. If the

application is to continue training, it must be accompanied by an employer's letter providing the information described two paragraphs above.

An F-1 student who is on practical training and who travels outside the U.S. temporarily can be readmitted for the remainder of the authorized training period shown on his Form I-20 ID copy. The school may issue Form I-20A-B for his reentry, provided his practical training has been authorized by the INS. If a student has completed his studies and wishes to leave the U.S., he will not be able to obtain permission for practical training upon return to the U.S.; he must seek authorization for practical training prior to departure. Time spent abroad is charged against the student's maximum practical training time.

3F.7.3.4. Nonimmigrant graduates of U.S. medical schools. An alien who graduates from a U.S. medical school is not eligible for a period of practical training in F-1 status for the purpose of internship, residency, or clinical training because he cannot complete that training within the one-year period that is the maximum allowed. Such a person would usually wish to enter the National Intern and Resident Matching Program (NIRMP) for placement in an internship or residency program. At that time he would apply for a change to Exchange Visitor (J-1) status under the sponsorship of the Educational Commission for Foreign Medical Graduates on their Exchange Visitor Program P-3-4510 (see Section 4.11.4) or to H-1 status (see Section 5.3).

3F.7.4. Alternate work/study courses. "An F-1 student enrolled in a college, university, conservatory, or seminary having alternate work/study courses" (sometimes called cooperative education programs) "as a part of the regular curriculum available within the student's program of study may participate in those courses without obtaining a change of status and without obtaining permission to accept employment." Any such periods of off-campus employment are considered to be practical training, and must be deducted from the total practical training time for which the student is eligible. [8 CFR 214.2(f)(10)(iv)]

3F.7.5. Social Security coverage. Contributions for Social Security should *not* be withheld from wages on nonimmigrant F-1 aliens if the employment is authorized. Further information can be found in the Social Security Administration publication "Social Security Coverage for Foreign Students and Exchange Visitors," which is available from any Social Security office (see References, Appendix 9). This booklet should be shown by the student to any employer who may not be familiar with this exemption.

3F.7.6. Income tax. Earnings from student employment, including income from assistantships, are usually subject to federal and state income taxes. Additional information on F-1 students' tax obligations may be

found in Internal Revenue Service publications 518 "Foreign Scholars and Educational and Cultural Exchange Visitors" and 519 "U.S. Tax Guide for Aliens" (see References, Appendix 9).

3F.8 Extension of Stay

An F-1 student must apply for an extension of stay if he is completing one educational program (e.g., high school, bachelor's degree, master's degree) and intends to enter another. An application for extension of stay is needed whether the additional educational program is at the same level as the current one or at a higher level. An application for extension of stay is also required from a student who is completing a period of practical training and wishes to enter a new educational program. An F-1 student is eligible for extension of stay if he is "(1) a bona fide nonimmigrant currently maintaining student status, and (2) able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted." [8 CFR 214.2(f)(7)(ii)] A student who has not been pursuing a full course of study at the school he was last authorized to attend and has not had practical training authorized is considered to be out of status and must apply for reinstatement to student status (see Section 3F.10).

Application for extension of stay is made on Form I-538, accompanied by the fee (see Fee Schedule, Appendix 1) and the student's Form I-20 ID copy. If the student is accompanied by dependents in F-2 status, their Forms I-94 should also accompany the application. The student completes the Form I-538, which must then be endorsed by a designated school official. The application is submitted to the INS office with jurisdiction over the school, and should be sent at least fifteen but not more than sixty days "before the expiration of the student's currently authorized stay." This means the application should be submitted no later than fifteen days after the completion of the program of studies or of the practical training.

If the student wishes to transfer schools at the same time he seeks the extension of stay, he may apply for permission to transfer on the same Form I-538 (see Section 3F.9.1).

If the extension of stay is granted, it will be for duration of status, meaning that it will be for the duration of the additional educational program, plus thirty days in which to leave the United States or to apply for a new program of studies or for practical training. Spouses and children in F-2 status will be granted the same extension.

While the application for extension of stay is pending, the F-1 student is considered to be legally in the U.S. if he has met and continues to meet all the requirements for maintaining his status.

Occasionally a foreign student will find it necessary to leave the U.S. before the Form I-20 ID copy has been returned to him. Since the student is supposed to

retain the Form I-20 ID copy at all times, the foreign student adviser may want to issue a letter to the student certifying the student's academic status, explaining the absence of the Form I-20 ID copy, and giving the student's admission number from the Form I-20 ID copy. The lack of a Form I-20 ID copy will not prevent the student's departure from the U.S. However, it may prevent his entry into Canada or Mexico (see Section 3F.12.1).

3F.9 Transfer of Schools

An F-1 student is eligible to transfer to another school if he (1) is a bona fide nonimmigrant student, (2) has been enrolled full time at the school he was last authorized to attend, (3) plans to be a full-time student at the new school, and (4) is financially able to attend the new school. [8 CFR 214.2(f)(8)(i)] There is no specified minimum period of time the student must be enrolled at the school he was last authorized to attend, although it is clear that he must have been enrolled at the last school for at least some period of time. If he has not done so he must apply for reinstatement to F-1 status (see Section 3F.10) for the purpose of attending the new school.

Certain procedures are required when an F-1 student wishes to transfer from one U.S. school to another. Those procedures differ depending on whether the student is transferring to begin a new educational program or within the same educational program.

3F.9.1. School transfer to begin a new educational program. An F-1 student wishing to transfer from one school to another to begin a new educational program must apply to the INS not just for an extension of stay (see Section 3F.8), but also for permission to transfer schools. Application is made to the district INS office with jurisdiction over the student's current school. The required documents are a Form I-538, the fee (see Fee Schedule, Appendix I), a Form I-20A-B completed by both a designated official of the school the student wishes to attend and by the student, and the student's Form I-20 ID copy. If the student has dependents in F-2 status, their Forms I-94 should also accompany the application.

"Sixty days after having filed an application for extension of stay and school transfer, an F-1 student may effect the transfer subject to approval or denial of the application. Any F-1 student who transfers without complying with this regulation or whose application is denied after transfer is considered to be out of status. If the application for transfer is approved, the approval of the transfer will be retroactive to the date of filing the application." [8 CFR 214.2(f)(7)(iv)]

Thus, an application for extension of stay and transfer of schools should be submitted no later than fifteen days after completion of the first program of studies, or sixty days before the student wishes to enroll at the new school, whichever is earlier.

The regulatory provisions concerning school transfer can cause a problem for an F-1 student who wishes to transfer schools but who cannot, for lack of required documentation or for some other reason, apply for permission to transfer at least sixty days in advance of the opening of classes at the new school. If the student can apply at least sixty days in advance, he can enroll in the new school even though he has not yet received a reply to his application. But if he must enroll in the new school before sixty days have passed after submitting his application and if he has not yet received a response to the transfer application, he is considered out of status if he does enroll in the new school. He is also considered out of status if he does not continue in school. A student who is not able to apply for permission to transfer schools at least sixty days in advance of transferring might be encouraged to go personally to the district INS office to get the application approved, if he lives in a district where up-front adjudication (see Section 2.8) is available. Otherwise he runs the risk of being found to be out of status until his transfer is approved.

If the INS approves the transfer, it will endorse the name of the new school on the student's Form-I-20 ID copy, and return that form to the student. It will also mark the Form I-20B to show that a transfer has been authorized, and send the Form I-20A-B to the INS processing center for updating the student's record. The processing center will send the Form I-20B to the new school to notify it that the transfer has been approved.

3F.9.2. School transfer within the same educational program. When an F-1 student transfers from one school to another in order to continue pursuing the same educational program, no application to the INS is necessary. Instead, there is a procedure to notify the Service that a transfer has taken place. The procedure involves actions by both the original school and the one to which the student wishes to transfer. [8 CFR 214.2(f)(8)]

3F.9.2.1. Procedure at school the student was last authorized to attend. An F-1 student who wants to transfer schools within the same educational program must obtain a properly completed Form I-20A-B from the school to which he wishes to transfer and give it to the designated official of the school he was last authorized to attend. The designated official must then:

1. Endorse Form I-20 Transfer to (a) reflect the fact that the student has indicated the intent to transfer schools and (b) give the recommendation of the designated school official at the old school concerning the proposed transfer. If the recommendation is negative, the official should give the reasons for the negative recommendation;
2. Send the endorsed Form I-20 Transfer with Form I-20A to the INS processing center within thirty days of the date the student gave the school the Form I-20A-B;
3. Send the Form I-20B to the new school to notify

that school that the Form I-20 Transfer has been sent to the INS; and

4. Give to the student the student transfer copy of Form I-20 Transfer within 30 days of the date the student gave the old school the I-20A-B.

Failure to follow these procedures constitutes cause for withdrawal of a school's approval to enroll F-1 students (see Section 3F.7.1). In relation to the first step in the above procedure, the Form I-20A-B offers the school official four reasons for making a negative recommendation concerning a student's transfer. These four reasons may not relate to facts verifiable from school records, but to the school official's own impressions, judgment, or knowledge. The regulations do not compel school officials to give the INS their impressions, judgments, or personal knowledge concerning individual students. School officials might open themselves to legal liability if they provide damaging information that is not supported by facts or verifiable information.

3F.9.2.2. Procedure at school to which the student is transferring. Within thirty days of the student's registration at the new school, the new school's designated official must endorse the student's Form I-20 ID copy to show the name of the school to which the student has transferred, and the name, title, and signature of the designated school official there.

3F.9.2.3. Violations of the regulations on school transfer. An F-1 student who transfers schools within the same educational program is considered to be out of status if he does any of the following:

1. Transfers to a new school without giving an official of the old school a properly completed Form I-20A-B.

2. Fails to notify the INS if the designated official of the old school does not follow the procedure described in Section 3F.9.2.1. The notification must be given in writing to the INS office with jurisdiction over the old school, within forty days of the date on which the student gave the official the Form I-20A-B from the new school.

3. Fails to enroll in the first academic term which begins after leaving the old school, unless the student is entitled to a vacation. If he is entitled to a vacation, the student must enroll in the term following the vacation.

4. Transfers to an approved school other than the one whose Form I-20A-B he used to signal his intention to transfer.

If a student has not attended the old school or has not been enrolled full time there, and wishes to attend another school, he must apply for reinstatement to student status in accordance with the procedures given in the next Section.

3F.10 Reinstatement to Student Status

An F-1 student who has overstayed his authorized period of stay or has otherwise failed to maintain his

F-1 student status (see Section 3F.6) may be reinstated to lawful F-1 status, at the discretion of the INS district director, only if the student:

1. Is currently pursuing, or intends to pursue, a full course of study at a school which issues the student a Form I-20A-B;

2. Has not been employed without authorization;

3. Establishes that his failure to maintain student status was due to circumstances beyond his control or that failure to receive reinstatement would result in "extreme hardship";

4. Is not deportable on any ground other than overstaying or failing to maintain status (Section 241(a)(2) or (9) of the Act); and

5. Submits a written request for reinstatement, accompanied by a properly completed Form I-20A-B from the school he is attending or plans to attend and by his Form I-20 ID copy.

If reinstatement is granted, the district director will endorse the Form I-20B and the student's Form I-20 ID copy to show the reinstatement. He will send the Form I-20A and the Form I-20B to the Service's processing center, and return the Form I-20 ID copy to the student. The processing center will forward the Form I-20B to the school the student is attending or plans to attend to inform it of the reinstatement.

There is no appeal from a district director's denial of a request for reinstatement to student status. [8 CFR 214.2(f)(12)] (But the student may file a motion for reconsideration—see Section 8.3.2.)

3F.11 Postdoctoral Students

Students who have completed requirements for the doctorate and who wish to remain in the U.S. or come to the U.S. for advanced study and/or research at the postdoctoral level may be considered eligible for continuing in or securing F-1 status. The school in which such a student proposes to carry on his studies or research should certify on the Form I-20A-B that the applicant will be engaging in a full course of study and/or research as a postdoctoral student. [8 CFR 214.2(f)(6)(i)]

3F.12 Visits Abroad and Reentry

Whenever an F-1 student wishes to leave the U.S. temporarily and return to continue his studies at the institution in which he is enrolled, he must secure the necessary documents to permit his entry to another country and his reentry to the U.S.

3F.12.1. Entry into another country. An F-1 student who wishes to visit temporarily his country of citizenship or permanent residence will be allowed to enter that country if he holds a valid passport or other travel document issued by that country.

3F.12.1.1. Entry into Canada. An F-1 student who wishes to visit Canada must have the following docu-

ments in his possession: (1) a valid passport; (2) a valid Form I-94; (3) evidence of return transportation arrangements; (4) sufficient funds for the contemplated stay in Canada; (5) a Form I-20 ID copy; (6) either a properly endorsed page 4 of Form I-20A-B, if there has been no substantive change in the information on the student's most recent Form I-20A-B, or a new Form I-20A-B, if there has been a substantive change since the most recent Form I-20A-B was issued; and (7) at certain border crossing stations, a letter from the foreign student adviser confirming the holder is engaged in studies at the institution. *In addition*, an F-1 student may need a Canadian tourist visa, depending on his country of nationality. Visitors from the following countries are not required to have Canadian tourist visas to enter Canada:

Andorra	Malaysia
Argentina	Malta
Australia	Mauritius
Austria	Mexico
Bahamas	Monaco
Bangladesh	Nauru
Barbados	Netherlands
Belgium	New Zealand
Belize	Nicaragua
Bolivia	Norway
Botswana	Panama
Brazil	Papua New Guinea
Costa Rica	Paraguay
Cyprus	Peru
Denmark	Portugal
Dominica	San Marino
Dominican Republic	St. Lucia
Fiji	St. Vincent
Finland	Seychelles Republic
France	Sierra Leone
Gambia	Singapore
Germany, Federal	Solomon Islands
Republic of	Spain
Greece	Sri Lanka
Grenada	Surinam
Guatemala	Swaziland
Guyana	Sweden
Honduras	Switzerland
Iceland	Tanzania
Ireland	Tonga
Italy	Trinidad and Tobago
Jamaica	Turkey
Japan	Tuvalu
Kenya	United States
Kiribati	Uruguay
Lesotho	Venezuela
Liechtenstein	Western Samoa
Luxembourg	Zambia
Malawi	Zimbabwe

In addition, visas are not required of tourists who are citizens of the United Kingdom and colonies with

the right of abode in the United Kingdom; citizens of the United Kingdom and colonies who derive their citizenship through birth, descent, registration, or naturalization in one of the British dependent territories of Belize, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands, or one of the West Indies Associated States of Antigua, and St. Kitts-Nevis-Anguilla.

Persons holding passports or travel documents issued by the Holy See, and persons lawfully admitted into the U.S. for permanent residence coming to Canada directly from the U.S. are also exempt from visa requirements.

Visitors from countries other than those listed above must apply to a Canadian consular office for the required tourist visa. It is advisable to make the application at least two weeks before the anticipated date of travel. The application must be accompanied by the documentation enumerated in the first paragraph of this section.

3F.12.2. Requirements for reentry into the U.S. An F-1 student must have the following materials in order to reenter the U.S. after a temporary absence: a valid passport and a valid visa (unless exempt from passport and visa requirements—see Section 2.2.4 and 2.3.2), a Form I-20 ID copy, and either a properly endorsed page 4 of Form I-20A-B, if there has been no substantive change in the information on the student's most recent Form I-20A-B, or a new Form I-20A-B, if there has been such a change (see Section 3F.9). [8 CFR 214.2(f)(4)]

It is not possible to revalidate an F-1 visa inside the U.S. An F-1 student who needs to revalidate his visa in order to reenter the U.S. after a temporary absence must apply for the revalidation at a U.S. consular office abroad. While it is possible for an alien to secure renewal of an F-1 visa in a foreign country other than his own, he may face more stringent requirements than he would if he were in his own country. In addition to proving his eligibility for an F-1 visa, he may have to convince the consul that he has a legitimate reason for making his renewal application outside his own country. In many instances the consul in the third country will find it necessary to check with the consular office in the student's place of residence. This can be time-consuming and can result in a charge to the student if information is requested by cable rather than diplomatic mail.

The documents needed for visa revalidation are a valid passport, a current photograph, a valid Form I-20A-B completed by a designated official of the school the visa applicant is attending, and proof of financial capability for continuing studies.

3F.12.3. Automatic revalidation of visas. An expired F-1 visa may be considered to be automatically revalidated to the date of application for readmission to the U.S. (and therefore the visa in the passport need not

have an expiration date which is in the future) provided the F-1 student:

1. Is applying for readmission to the U.S. after an absence not exceeding thirty days solely in contiguous territory or adjacent islands other than Cuba;

2. Has maintained and intends to resume his status as an F-1 student;

3. Presents or is the accompanying spouse or child of an alien who presents Form I-94 and a Form I-20 ID copy; and either

a. A properly endorsed page 4 of Form I-20A-B, if there has been no substantive change in the information on his most recent Form I-20A-B, or

b. A new Form I-20A-B, if there have been substantive changes in that information;

4. Is in possession of a valid passport (unless exempt from passport requirement); and

5. Does not require the authorization of his temporary admission to the U.S. under Section 212(d)(3) of the Act (a provision for waiver of excludability—see Section 8.5.1). [22 CFR 41.125(f)(1, 2), 8 CFR 214.1(b)]

Furthermore, a person who entered the U.S. in a classification other than F-1 student, but whose status was subsequently changed to F-1 student, may be considered to have his previous visa automatically revalidated and converted to an F-1 visa if he meets the conditions stated above.

Thus, under these circumstances, an F-1 student whose visa has expired may be saved the necessity of applying for a new or revalidated visa at a consular post outside the U.S.

3F.13 Change of Status

3F.13.1. Change to F-1 student status. An alien in any nonimmigrant status except C, D, or K (and in certain cases J) can apply for a change to F-1 status if he has maintained lawful nonimmigrant status up to the time the application for change of nonimmigrant status is filed. An alien in J status other than a foreign medical graduate who acquired J status to receive graduate medical education or training may apply for a change of status only if he is not subject to the two-year home country residence requirement (see Section 4.9). Application is made on Form I-506 (Application for Change of Nonimmigrant Status). The Form I-506 must be accompanied by a properly executed Form I-20A-B from the admitting institution (the applicant must complete page 2); a Form I-20 ID copy with the spaces recording the applicant's name, date of birth, and country of citizenship completed; the applicant's Form I-94; evidence of financial support; and a required fee (see Fee Schedule, Appendix 1).

A nonimmigrant B-2 visitor for pleasure may wish to change to F-1 student status under various sets of circumstances:

a. He has a B-2 visa bearing the notation, "prospective student." (See Section 6.2.2.2.) The *Foreign Affairs*

Manual and supplementary instructions (9 FAM Part II, and note 7.3 to 22 CFR 41.45, dated September 8, 1982) tell consular officers to write "prospective student" on a B-2 visa issued to a person who (i) intends to become a student but has not yet chosen a school here, and wishes to visit more than one school before making a selection, or (ii) has been admitted to a particular U.S. school and has a Form I-20A-B from that school, but intends to enter the U.S. more than ninety days before school opens, or (iii) has credible evidence of admission to a U.S. school but does not have a Form I-20A-B, or (iv) needs to be in the United States to take an examination or have an interview required for admission to a school. A person with a B-2 visa marked "prospective student" should routinely be able to obtain a change to F-1 status, following the procedure described below.

b. Conditions (i), (ii), (iii), or (iv) in the preceding paragraph may apply, but the consular officer has neglected to write "prospective student" on the B-2 visa.

c. He entered the U.S. in B-2 status and while here decided to attend school. He is admitted to a school and obtains a Form I-20A-B.

d. He believed while outside the U.S. that he would encounter difficulty in securing an F-1 visa from a consular officer, so he got a B-2 visa and entered the U.S. intending to apply to change to F-1 status here.

Individuals in categories "a," "b," and "c" should be able to change to F-1 status. Those in category "d" will be denied a change of status. Those in categories "b" and "c" may have difficulty convincing INS of their good faith. The foreign student adviser should inform a prospective applicant for a change in status from B-2 to F-1 that the application may be denied if the B-2 visa is not marked "prospective student." Individuals in categories "b" and "c" should be instructed to provide INS with whatever information or evidence is available to support their contention that they are entitled to a change to F-1 status.

A change of status from F-2 to F-1 requires neither an application nor the payment of a fee. The request must be made in a letter accompanied by the Form I-94 of the applicant; a properly executed Form I-20A-B; a Form I-20 ID copy with the spaces regarding the applicant's name, date of birth, and country of citizenship completed; evidence of financial capability; and information about passport validity.

3F.13.2. Change from F-1 student status. An F-1 student may apply for a change to any other nonimmigrant status for which he is eligible by completing Form I-506 (Application for Change of Nonimmigrant Status), and submitting the supporting documentation described in the instruction sheet attached to that form. A change of status from F-1 to F-2 requires neither an application nor the payment of a fee. The request must be accompanied by the Form I-94 of the applicant, the

Forms I-20 ID copy of the principal alien and the applicant, proof of family relationship to the F-1 principal, and information about passport validity..

The INS will deny an application for change from F to J (Exchange Visitor) status if it appears that the change is desired primarily to enable the applicant's dependents to apply for permission to accept employment (see Section 3F.15.4 and 4.13.4). An exception may be made, at the discretion of the district director, if the change in status will make the applicant subject to the two-year foreign residence requirement of Section 212(e) of the Act (see Section 4.9).

3F.14 Departure or Termination of Status

3F.14.1. *Institutional reporting responsibilities.* When an F-1 student fails to maintain his status or terminates his program, a designated school official is required to report these facts to INS the next time the INS sends the school a list of the F-1 students supposedly enrolled there (see Section 3F.6.3) or upon request of an INS officer.

3F.14.2. *Sailing Permit (Certificate of Compliance).* An F-1 student who has earned taxable income on or off campus is formally required to obtain a Sailing Permit, or Certificate of Compliance, from the Internal Revenue Service (stating that he has met all U.S. tax obligations), whenever that individual leaves the U.S. for destinations other than Canada or Mexico. No Sailing Permit is needed if taxable income has not been earned. For further information, consult Internal Revenue Service publications 518 "Foreign Scholars and Educational and Cultural Exchange Visitors" and 519 "U.S. Tax Guide for Aliens" (see References, Appendix 9).

3F.14.3. *Surrender of documents.* An F-1 student departing from the U.S. (other than for visits of thirty days or less to Canada, Mexico, and adjacent islands other than Cuba) must surrender his Form I-94 to (1) a representative of the carrier providing transportation out of the U.S. at the time of boarding, or (2) a Canadian immigration officer at the U.S.-Canadian border, or (3) a U.S. immigration officer at the U.S.-Mexican border. An F-1 student should *not* surrender his Form I-20 ID copy upon departure. It aids any later reentry to the U.S.

3F.15 Spouse/Dependent (F-2) Status

3F.15.1. *Eligibility.* The spouse and unmarried minor children of an F-1 student may accompany the student to the U.S. or follow to join him at a later date. They will be accorded F-2 status provided they establish to the satisfaction of the consular official and the immigration officer at the port of entry that (a) they have sufficient funds to cover their expenses, or other arrangements have been made to provide for their expenses; and (b) they intend in good faith and will be

able to depart from the U.S. "upon the termination of the status of the principal alien." [22 CFR 41.45(b)]

3F.15.2. *Issuance of Form I-20A-B for F-2 dependents.* If the dependent spouse and unmarried minor children will accompany the student to the U.S., the Form I-20A-B which the student submits to the U.S. consul abroad with his application for an F-1 visa for himself (see Section 3F.3 and 3F.4) may be used to request F-2 visas and entry in F-2 status for the spouse and unmarried minor children. If the dependents follow later to join the student, they will need to submit to the U.S. consular official either a properly endorsed page 4 of the student's Form I-20A-B, if there has been no substantive change in the information on the student's most recent Form I-20A, or a new Form I-20A-B, if there has been a substantive change in that information since the student's most recent Form I-20A-B was issued. If a new Form I-20A-B is issued for the purpose of enabling dependents to obtain F-2 visas and join the student, box "d" in item 2 is checked. It is not necessary to give the names of the spouse and children on the face of a Form I-20A-B issued for the purpose of enabling them to join a student in the U.S., but it is considered good practice to enter their names in the "Remarks" section.

3F.15.3 Obtaining a visa and entering the U.S.

3F.15.3.1. *Aliens subject to passport and visa requirements.* An F-1 student's spouse and unmarried minor children who are required to have a valid passport and visa for entry to the U.S. (see Sections 2.2.4 and 2.3.3) must apply for an F-2 visa at a U.S. consulate or embassy. The applicant must present the consular official with a properly endorsed page 4 of the student's Form I-20A-B or with a new Form I-20A-B, as described in the preceding paragraph, and such other documents as may be required to demonstrate eligibility for F-2 status (see Sections 3F.15.1 and 2.3).

If the visa application is approved, the page 4 of the student's Form I-20A-B or the new Form I-20A-B, whichever the dependent presented, is returned to the applicant for use in applying for admission to the U.S. When the family members arrive at the U.S. port of entry, they present their passports and the page 4 of the new Form I-20A-B to the immigration inspector. Upon admitting the alien to the U.S., the inspector issues the alien a Form I-94, showing the date and place of entry, classification, and authorization to stay in the United States for duration of status. This means the F-2 dependents can remain as long as the F-1 student is engaged full time in his current course of study and otherwise maintains his status.

F-2 dependents do not receive Form I-20 ID copy as F-1 students do.

3F.15.3.2. *Aliens not subject to passport and visa requirements.* The F-1 student's spouse and unmarried minor children who are not subject to passport and visa

requirements (see Sections 2.2.4 and 2.3.2) and who wish to enter the U.S. in F-2 status may apply directly to an immigration inspector at a U.S. port of entry. The procedure is the same as that followed by aliens required to meet passport and visa requirements except that the applicants are not required to present either passports or visas.

3F.15.4. *Employment.* Individuals holding F-2 status may not accept employment or engage in business under any circumstances. Employment, in this context, is defined as the rendering of services, part time or full time, for financial or other compensation, including self-employment.

3F.15.5. *Extension of stay.* Application for extension of stay for an F-2 spouse and minor children is included in the F-1 student's application for extension of stay. Information about the F-2 dependents' names, dates and places of birth, and passport expiration dates is entered on the Form I-538 (see Section 3F.8), which is submitted to the INS along with Form I-20 ID copy of the F-1 principal and the Forms I-94 of all F-2 dependents. The periods of stay for the principal and the dependents will be extended for duration of status.

3F.15.6. *Visits abroad and reentry.* An F-2 dependent leaving the U.S. temporarily must be certain to have the documents necessary to enter the country visited and to reenter the U.S. (see Section 3F.12). As in the case of the F-1 principal, the F-2 dependent needs a valid passport and visa (unless exempt from passport and visa requirements—see Sections 2.2.4 and 2.3.2) and either a properly endorsed page 4 of the student's Form I-20A-B, if there has been no substantive change in the information on that form since it was last issued, or a new Form I-20A-B, if there has been a change in the information. F-2 dependents are eligible for automatic revalidation of visas on the same basis as F-1 students (see Section 3F.12 3).

A special situation arises when the principal F-1 student travels outside the U.S., leaving the F-2 dependent in the U.S. Since a dependent's stay in this country is valid only while the F-1 student maintains status here, it is not legitimate for the dependent to remain in the U.S. while the F-1 student is absent from the country for any significant period of time.

3F.15.7. *Change of status*

3F.15.7.1. *Change to F-2 nonimmigrant status.* A nonimmigrant alien may apply for a change to F-2 status if the spouse changes from another nonimmigrant classification to F-1, or if he becomes the spouse of an alien in F-1 status. For both situations, the applicant must provide financial verification proving he can support himself during his contemplated stay in the U.S.

In those instances when the dependent's spouse is changing to F-1 status, application for the change is included in the principal's application, and the dependent's Form I-94 is submitted along with that of the principal alien. In the case of marriage to an F-1 student, the nonimmigrant spouse (and children, if applicable) may apply for a change to F-2 status by submitting to the INS the applicant's (or applicants') Form(s) I-94, the student's Form I-20 ID copy, a completed Form I-506 (Application for Change of Nonimmigrant Status), and the required fee (see Fee Schedule, Appendix 1).

No formal application or fee is required for a change of nonimmigrant status from F-1 to F-2 or vice versa. To change from F-1 to F-2 status, the applicant should submit to INS a letter requesting the change of status, the Form I-94 and Form I-20 ID copy of the dependent, the F-1 principal's Form I-20 ID copy, proof of the family relationship to the F-1 principal, and information about passport validity.

3F.15.7.2. *Change from F-2 nonimmigrant status.* A nonimmigrant in F-2 status is eligible for a change to another nonimmigrant classification if he can meet all the requirements for the desired classification. The applicant must complete Form I-506 (Application for Change of Nonimmigrant Status) and send it to the INS along with his Form I-94, the required fee (see Fee Schedule, Appendix 1) and the other materials specified on the instruction sheet attached to the Form I-506. No formal application or fee is required for change from F-2 to F-1 status.

3F.15.8. *Departure or termination of status.* A nonimmigrant holding F-2 status must terminate that status and depart from the U.S. "upon the termination of the status of the principal F-1 alien." [22 CFR 41.45(b)]

SECTION 3M

STUDENT (M) STATUS

3M.1 Definition of M-1 Status

An M-1 visa and M-1 student status may be granted to an alien who seeks entry to the United States "for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution" authorized to enroll M-1 students. When applying for an M-1 visa, the individual must prove to a U.S. consular official that he wishes to enter the U.S. temporarily and solely for the purpose of vocational study and that he has "a residence in a foreign country which he has no intention of abandoning." [Act 101(a)(15)(M)(i)]

3M.2 School Approval and Responsibilities

3M.2.1. School approval—M-1. Before a school may enroll nonimmigrant M-1 students, it must secure approval from the INS. A petition for approval is filed on Form I-17 (Petition for Approval of School for Attendance by Nonimmigrant Students) and Form I-17A (Designated School Officials), with the district director or officer-in-charge of the INS office having administrative jurisdiction over the place in which the school or school system is located. The following schools are considered to be vocational or nonacademic institutions and may be approved for attendance by M-1 nonimmigrant students: (a) a community college or junior college which provides vocational or technical training and which awards recognized associate degrees, (b) a vocational high school, and (c) a school which provides vocational or nonacademic training other than language training. [8 CFR 214.3(a)(2)(ii)] A school with appropriate programs may be approved to enroll both F-1 and M-1 students (see Section 3.3.3).

INS approval of a school for attendance by M-1 students is "valid only as long as the school continues to operate in the manner represented in the petition." [8 CFR 214.3(e)(2)]

3M.2.2. School responsibilities. A school enrolling M-1 students must agree to comply with the record-keeping and reporting requirements presented at 8 CFR 214.3(g)(1) and (2) respectively. These requirements for

schools enrolling F-1 and/or M-1 students are discussed in Section 3.6. Failure to fulfill these responsibilities can result in withdrawal of school approval (see Section 3.7.1). [8 CFR 214.4]

3M.3 Issuance of Form I-20M-N to M-1 Students

An approved school may issue a Form I-20M-N to a foreign applicant accepted for enrollment in a full course of study (see Section 3M.3.4) only after the following conditions are met:

"(1) The prospective student has made a written application to the school.

(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.

(4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study." [8 CFR 214.3(k)] (See Section 3.5.)

The Form I-20M-N must be issued in the United States and signed by a properly designated school official (see Section 3.4).

3M.3.1. Students properly issued Form I-20M-N. When a school is approved to enroll both F-1 and M-1 students, the decision to document a foreign student as an M-1 student using Form I-20M-N should be made only after determination that the applicant intends to pursue a single, terminal vocational or technical program. A student whose "primary intent is to pursue vocational or technical training" must be documented as an M-1 student. Students admitted to programs which can be considered prebaccalaureate or preprofessional should be documented as F-1 students with Forms I-20A-B if the school's approval permits. When a school is approved to enroll both F-1 and M-1 students it is the responsibility of the school's designated officials to determine whether each individual applicant should be docu-

mented as an F-1 or an M-1 student. Such a school may wish to include items in its admission application that ask applicants to confirm that their primary intent for coming to the U.S. is either (1) "to pursue vocational or technical training" or (2) "to pursue studies in liberal arts, fine arts, language, religion, or the professions," since applicant intent must be considered in determining whether F or M documentation is appropriate. [8 CFR 214.3(a)(2)(iii)] Upon admission to the U.S., a student issued a Form I-20M-N must engage primarily in vocational or technical training, while a student issued a Form I-20A-B must engage primarily in studies in the liberal arts, fine arts, language, religion, or leading to the professions.

A student whose primary intent is to pursue vocational or technical training, who seeks admission for language training at the same school "solely for the purpose of being able to understand the vocational or technical course of study" must be documented on Form I-20M-N. [8 CFR 214.3(a)(2)(iv)]

3M.3.2. Educational background. In considering a foreign applicant, the school should satisfy itself that the applicant has successfully completed a course of study equivalent to that normally required of a U.S.-educated applicant seeking admission to the school for the same vocational or technical program.

3M.3.3. Language proficiency. The applicant should be adequately proficient in English to pursue his course of studies, or arrangements must be made to provide him with instruction in English.

Institutions may require the foreign applicant to take a standardized English proficiency test as a condition of admission. Such tests are administered at various centers in the U.S. and abroad. Proficiency in English need not be required if the institution in which the student will enroll conducts its courses in a language in which the alien is proficient or will enroll the applicant for a full course of English or a combination of English training and vocational or technical training which will constitute a full course of study. [22 CFR 41.68(a)(3)] If facilities exist at the school to provide full-time instruction in English, evidence of language proficiency can reasonably be obtained through testing upon arrival at the school to determine whether the student should be placed in English or in vocational or technical programs.

3M.3.4. Financial verification. The school is required to obtain verification from the applicant that he has financial resources which are adequate to provide for his expenses at the school without resorting to unauthorized employment. [8 CFR 214.3(k)(2); 214.4(a)(1)(ix)] (M-1 students are not allowed to accept employment, except practical training after completion of their course of study.) (See Section 3M.7.) Funds may come from scholarships, fellowships, sponsoring agencies, the student's family, or any dependable source. The school

should be satisfied that funds are guaranteed at least for the student's first year of study at the school and that, barring unforeseen circumstances, funding will also be available from the same or equally dependable sources for subsequent years.

If the student is depending on funds from a source outside the U.S., the school in which he plans to enroll is well advised to determine whether there are restrictions on the transfer of dollars from the country in which the funds are held. If such restrictions exist, the student should present evidence that they will not prevent his funds from being transferred, or perhaps be required to make an advance deposit of part or all of a year's expenses.

3M.3.5. Full course of study. In issuing Form I-20M-N to a foreign applicant, the designated school official certifies that the applicant is admitted to the institution for the purpose of enrolling in a full course of study which will lead to the attainment of a specific educational or vocational objective. A school may not issue a Form I-20M-N to anyone who is not expected to be engaged in a full course of study as defined in Section 6.2. [8 CFR 214.3(k)(4); 214.4(a)(1)(x)]

3M.4 Obtaining a Visa and Entering the United States

To enable an applicant to obtain an M-1 visa and/or enter the U.S. for the purpose of undertaking a full course of study as a vocational student, the designated school official issues the student a properly executed Form I-20M-N. It is essential to keep a copy for the school records of each Form I-20M-N issued.

The applicant must complete pages 2 and 7 of the Form I-20M-N. These pages include a number of conditions a student accepts when he is granted M-1 status. The designated school official, as well as the applicant, should be thoroughly familiar with these conditions. The applicant should retain pages 3, 4, and 7 of the Form I-20M-N.

Although an applicant may meet, to the institution's satisfaction, all the conditions specified in assuming M-1 status, the U.S. consular officer decides whether the applicant will be granted an M-1 visa (see Section 2.3.4).

3M.4.1 Aliens subject to passport and visa requirements. An alien who is required to have a valid passport and visa for entry to the United States (see Sections 2.2.4 and 2.3.2) applies for an M-1 visa at a U.S. consulate or embassy. In Taiwan, application is made at the American Institute. During a personal interview with the consular officer, the applicant presents a valid passport and Form I-20M-N, with pages 2 and 7 of the form completed. The consular officer may request other documents, such as proof of English language proficiency and verification of financial support (see Section 2.3.3), to establish that the student meets all the requirements for M-1 status.

The "interested party cable" procedure described in Section 3F.4.1 is available only to F-1 students and not

to M-1 students. Therefore, applicants for M-1 visas must have Form I-20M-N in their possession to apply for visas.

Visa Office officials stress that interested party cables are to be requested only under unusual and pressing circumstances. Schools are expected to make all possible efforts to see that the Forms I-20M-N they issue reach their intended recipients in time for them to acquire M-1 visas in the normal way.

If the visa application is approved, a visa stamp is placed on a page in the applicant's passport, noting the period of its validity and number of entries allowed (see Section 2.3.1). The Form I-20M-N is then returned to the applicant for his use in applying for admission to the United States.

When the applicant arrives at the U.S. port of entry, he presents his passport, visa, evidence of financial support, and his copy of the Form I-20M-N to the immigration official. If he has previously been in the U.S. in F-1 or M-1 status and has been issued Form I-20 ID copy, he presents that as well. Before admitting the applicant to the United States, the immigration official must be satisfied that the applicant is destined to and intends to attend the school specified in the visa.

Upon admitting the student to the U.S., the immigration officer issues him a Form I-94 (Departure Record), showing the date and place of entry, the alien's status as an M-1 student, and a unique eleven-digit "admission number."

The admitting immigration official also gives the student Form I-20 ID copy (if the student has not already been issued one), which also shows the date and place of admission and on which the admission number is written.

People familiar with the immigration documentation used for F-1 and M-1 students before August 1, 1983, might experience some confusion concerning the documents put into use on that date. Some elaboration about them may therefore be in order. The Form I-94 (Arrival-Departure Record) was for many years a small slip of paper that carried a record of all of a student's transactions with the INS. On January 1, 1983, the Form I-94 was revised to be a two-part form on heavier paper. One part records arrivals; that part is retained by the INS at the port of entry. The other part, properly known as a Departure Record, is given to the student. The Form I-94 is given to all nonimmigrants, not just students. Except in the case of students, it will continue to be used after August 1, 1983, to record all of the nonimmigrant's transactions with the INS. It contains an eleven-digit number the Service uses to record arrivals and departures of nonimmigrants. This number goes into the Nonimmigrant Information System (NIIS) the Service adopted in 1983 to keep track of the arrivals and departures of nonimmigrants.

Effective August 1, 1983, entering M-1 students (but not their dependents in M-2 status) will receive a new form called a "Form I-20 ID copy" in addition to the

Form I-94. This form will become the one on which M-1 students' transactions with the INS are noted. The admission number as shown on the Form I-20 ID copy (and on the Form I-94) goes into what is called the "student enhancement" of the Service's Nonimmigrant Information System. By means of the student enhancement program, the INS intends to keep track not just of the arrivals and departures of M-1 students, but of their fields of study, degree objectives, transfers of school, and several other matters. M-1 students will no longer use their Forms I-94 to get a record of INS decisions on applications for nonimmigrant benefits such as permission to engage in practical training or to transfer schools. Rather, they will submit their Forms I-20 ID copy with applications for these benefits, and the Form I-20 ID copy will become the record of INS decisions affecting their status in the U.S.

The admission number is intended to be an individual alien's lifelong identifying number for study in F-1 or M-1 status. Students in M-1 status are instructed to keep the Form I-20 ID copy in their possession at all times, and not to surrender it upon leaving the U.S. The Form I-94, by contrast, is to be surrendered upon departure, except in the case of visits of thirty days or less to Canada, Mexico, or adjacent islands other than Cuba. When an M-1 student who has surrendered Form I-94 upon departure from the U.S. subsequently reenters the U.S. he is issued a new Form I-94, but not a new Form I-20 ID copy. The preprinted admission number on the new Form I-94 is stricken and replaced with the student's Form I-20 ID copy admission number. The INS hopes anyone who receives a Form I-20 ID copy will retain it as long as there is any possibility that he will seek to enter the U.S. in F-1 or M-1 status. An alien who is seeking admission to the U.S. in F-1 or M-1 status and who has previously been in the U.S. as an F-1 or M-1 student but does not know his admission number can experience delays at the port of entry while the Service searches its records for his admission number.

Additional information about the use of Form I-20 ID copy appears throughout this section of the *Manual*.

INS regulations require that an M-1 student have the Form I-20 ID copy with him at all times. [8 CFR 214.2(m)(2)] An exception to this is presumably permitted when the Form I-20 ID copy must be sent to INS in conjunction with an application.

Effective August 1, 1983, M-1 students are admitted to the U.S. until a specified date (see Section 3M.5.1). The initial period of authorized stay will be noted on Form I-20 ID copy and will never exceed one year.

The initial period of stay may be extended to allow completion of the original course of study (see Section 3M.8). An M-1 student's permission to remain in the U.S. is not valid beyond the period of time actually needed to complete the course of study (including authorized practical training) plus thirty days within which to depart from the U.S., even though the I-20

ID copy may carry an expiration date that is in the future.

3M.4.2. Aliens not subject to passport and visa requirements. Passport and visa requirements for entry to the U.S. do not pertain to certain aliens. The most important exceptions to the passport and visa requirements are Canadian citizens or landed immigrants of Canada having a common nationality with Canadians who are entering the U.S. from the Western Hemisphere, and natives and residents of the Trust Territory of the Pacific Islands who have proceeded in direct and continuous transit from the Trust Territory to the United States (see Section 2.2.4). [8 CFR 212.1] An alien in one of these categories applies directly to an immigration inspector at the U.S. port of entry for admission as an M-1 student. The procedure is the same as that followed by aliens subject to passport and visa requirements except that the applicant need not present either a passport or a visa.

3M.4.3. Temporary admission with Form I-515. If a prospective M-1 student appears at a port of entry and does not have a properly completed Form I-20M-N but otherwise appears eligible for admission as an M-1 student, the INS inspector can admit him for a period of thirty days and give him Form I-515 (Notice to Student or Exchange Visitor, reproduced in Appendix 3). That form instructs the alien to obtain a properly completed Form I-20M-N from the school he is attending and send it, along with his Form I-20 ID copy if he has one, or else his Form I-94, to the INS office with jurisdiction over the school. The district office will then grant the alien permission to stay for an appropriate period up to one year, noting the extension on the student's Form I-20 ID copy.

Effective October 1, 1983, aliens need a Form I-20M-N in order to be admitted to the U.S. in M-1 status. Before October 1, aliens can use the 1981 edition of Form I-20A-B to seek admission in M-1 status if the Form I-20A-B has been amended as follows: [INS Central Office telegram to field offices, February 9, 1983]

(1) The student's level of education (primary, high school, undergraduate, graduate master's, graduate Ph.D., language training, or other for an F-1 student; and high school or other vocational for an M-1 student) must be added between items 2 and 3 on page 1 of Form I-20A.

(2) In item 4 on page 1 of Form I-20A, the wording "costs for an academic term of ____ months up to 12 months" must be substituted for "monthly costs," which must be deleted. The number of months must be indicated in the blank space.

(3) In item 5 on page 1 of Form I-20A, the wording "for an academic term of ____ months up to 12 months" must be substituted for "on a monthly basis," which must be deleted. The number of months must be indicated in the blank space and must be the same number of months given in item 4.

(4) A three-digit school suffix preceded by a decimal point must be added to the school file number in item 7 on page 1 of Form I-20A. Each school system other than an elementary or secondary school system must assign permanent consecutive numbers to all schools or campuses within its system and use these numbers in the suffixes (e.g., .001, .002). Elementary and secondary schools and schools which are not part of a school system must use suffixes consisting of three zeros preceded by a decimal point (.000).

(5) The full name of the school official must be typed or printed near the signature at the bottom of page 1 of Form I-20A.

A prospective M-1 student who after August 1, 1983, presents a Form I-20A-B which does not meet these standards will be admitted for thirty days with a Form I-515 as described above. [INS Central Office telegram to field offices, March 25, 1983]

If the immigration inspector at the port of entry is unable to ascertain that the applicant is eligible for admission as an M-1 student, he may parole the alien into the U.S. for "deferred inspection." When that happens, the alien is required to appear in person at the district INS office with jurisdiction over the school he plans to attend (see Section 8.2.3).

3M.5 Authorized Stay for M-1 Student

An M-1 student will be admitted to the United States for a period not to exceed one year and may be granted extensions of stay in increments not exceeding one year. [8 CFR 214.2(m)(5)]

3M.5.1. General rule. An M-1 student is given authorized stay for the period of time necessary to complete the course of study indicated on Form I-20M-N plus thirty days within which to depart from the United States or apply for change or adjustment of status, or for one year, whichever is less. M-1 students are *not* eligible for duration of status. (See Section 3F.5 for discussion of duration of status for F-1 students.)

3M.5.2. Single educational objective. "An M-1 student may not change educational objective." [8 CFR 214.2(m)(12)] M-1 students, unlike F-1 students, cannot change fields of study.

3M.5.3. Automatic conversion to M-1 status. An F-1 student who on August 1, 1983, is enrolled in a technical or vocational course of study at a school which is approved for enrollment of M-1 students is automatically converted by the regulations to M-1 status effective August 1, 1983. Dependents in F-2 status are automatically converted to M-2 status on that same day. Such people's authorized stays will be valid until the date shown on Form I-94 plus thirty days for departure or until August 1, 1984, whichever is earlier. These automatic conversions to M status will be noted on the Forms I-94 of the students and dependents and on the Forms I-20 ID copy of the students upon their first

contact with INS after August 1, 1983. [8 CFR 214.2(m)(6)]

3M.5.4. Period of stay for students holding M-1 status prior to August 1, 1983. Aliens holding M-1 or M-2 status accorded before August 1, 1983, will be allowed to remain in the U.S. until the date shown on Form I-94 plus thirty days for departure or until August 1, 1984, whichever is earlier. Appropriate applications for extension of stay to allow completion of a course of study can be made (see Section 3M.8). This limitation of stay will be noted on the alien's documents upon the first contact with INS after August 1, 1983. [8 CFR 214.2(m)(7)]

3M.6 Maintenance of Status

3M.6.1. General requirements. An alien admitted to the U.S. in M-1 status must meet certain obligations in order to maintain that status. He must continue to carry a full course of study (see Section 3M.6.2) at the school he was authorized to attend. He must not accept employment (see Section 3M.7), and he must keep his passport valid for at least six months into the future (see Section 2.2.4). He must apply for an extension of stay if he wishes to remain in the U.S. beyond the period of time for which he was admitted.

If he wishes to transfer to another school, he must apply to INS for approval prior to making the transfer (see Section 3M.9). An M-1 student who fails to maintain his status may be deported from the United States.

3M.6.2. Full course of study. A full course of study for an M-1 student must lead to attainment of a specific educational or vocational objective. A full course of study for an M-1 student is defined as: [8 CFR 214.2(m)(9)]

"(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) and (2) of 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iii) Study in a vocational or other nonacademic curriculum, other than in a language training program except

as provided in 214.3(a)(2)(iv), certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or at least twenty-two clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation."

3M.6.3. Vacation period. M-1 students attending institutions approved for their attendance are allowed to take the summer as a vacation period. During a summer vacation, the M-1 student is considered to be in status if the M-1 student is eligible to and intends to enroll for the subsequent semester or term. M-1 students may not use other semesters or terms as vacation if they wish to remain in the U.S. in M-1 classification during that vacation. (Although this matter is not specifically addressed in the regulations, INS has historically recognized that many institutions do not offer a full course schedule during the summer months and expect that their students will use that time for vacation purposes.)

3M.6.4. Disclosure of information; criminal activity. M-1 students, like all other nonimmigrants, are required to disclose fully and truthfully all information requested by INS regardless of whether the information requested is material. Failure to do so constitutes a violation of status. [8 CFR 214.1(f)] They are also required, as a condition of their admission, to obey all laws which prohibit the commission of crimes of violence. Conviction of a crime of violence for which a sentence of more than one year could be imposed, regardless of whether such a sentence is in fact imposed, constitutes a violation of status. [8 CFR 214.1(g)] While there is some question as to the constitutional legitimacy of these conditions of maintaining status, they have not been tested in the courts and remain as part of the regulations.

3M.7 Employment

3M.7.1. General prohibition. Employment means the rendering of services on either a part-time or full-time basis for compensation, financial or otherwise, including self-employment. An M-1 student may not accept employment or engage in business except for practical training, and then only after securing INS approval. However, "a student already in M-1 status on August 1, 1983, or a student converted to M-1 status under paragraph (m)(6) of this section (see Section 3M.5.3) who was authorized off-campus employment under the regulations previously in effect . . . may continue to work until the date of expiration of the previously

authorized period of employment." [8 CFR 214.2(m)(13)] The prohibition of employment for M-1 students applies to both on-campus and off-campus employment.

3M.7.2. Practical training. An M-1 student may be eligible to accept employment in order to obtain practical training upon completion of his studies. [8 CFR 214.2(m)(14)] Permission to engage in practical training is not automatically granted, and care must be exercised in the preparation of practical training applications. Permission to engage in practical training may be granted to an M-1 student for *only one period* of time equal to one month for each four months during which the M-1 student pursued a full course of study up to a maximum of six months training.

3M.7.2.1. Limitations on training period. An M-1 student may be authorized practical training only upon completion of his course of study. INS permission to engage in practical training will be noted on the student's Form I-20 ID copy. The notation will include the dates on which permission begins and ends. Permission is effective when the student receives his Form I-20 ID copy so noted. The length of practical training which may be granted to an M-1 student is dependent on a 1 to 4 ratio of training to study. The single period of practical training will be for a "period of time equal to one month for each four months during which the student pursued a full course of study, but not to exceed six months, plus an additional thirty days within which to depart from the United States." [8 CFR 214.2(m)(14)(iii)]

If the training sought by an M-1 student cannot be completed within the maximum training period for which he is eligible, permission for the training may not be granted. A change to another nonimmigrant status is called for in these cases. That other nonimmigrant status may be H-1 (if the student was a member of the professions before his M-1 course of study), H-3 (for trainees at a lower or less specialized level of education whose M-1 course of study is not necessary to qualify them for H-3 classification), or J-1 (if the graduate's prospective employer is the sponsor of an Exchange Visitor Program whose activities encompass the proposed training). (See Sections 2.7 and 3M.12.)

M-1 students are not eligible for cooperative education (alternate work/study) programs. Employment prior to completion of the course of study is absolutely prohibited. Because of the automatic conversion from F-1 to M-1 status (see 3M.5.3), some students in M-1 status may have engaged in cooperative education employment prior to August 1, 1983. Such periods of employment will be subtracted from the amount of practical training time for which the applicant might otherwise be eligible. Such "transition cases" should be very carefully presented to INS when practical training authorization is sought. The application for practical training of a student who was previously employed in a cooperative education program should be accompa-

nied by a letter from the school stating how many hours the applicant worked off campus, what his duties were, and where he was employed.

3M.7.2.2. Qualifications. An M-1 applicant for permission for practical training must have completed his course of study. The training an applicant seeks must be related to his major field of study. In addition, the training sought must, in the opinion of a designated official of the school the student is leaving, be unavailable to the student in his country of residence. [8 CFR 214.2(m)(14)]

3M.7.2.3. Application procedure. Application for practical training permission is made on Form I-538. The student should complete pages 2, 3, and 4 as indicated on the Form I-538 itself. The appropriate designated school official (usually the foreign student adviser) should complete page 1, certifying the student's status, that a period of practical training related to the student's course of study is recommended, and that, upon information and belief, such training is unavailable to the student in his country of residence. The designated school official may wish to consult with or obtain a letter from the student's academic adviser before signing the Form I-538 and may wish to submit a copy of that letter along with the application. When completed, the Form I-538 should be submitted to the INS office having jurisdiction over the area in which the school is located, together with the student's Form I-20 ID copy, the Forms I-94 of his dependents, if applicable, and the required fee (see Fee Schedule, Appendix 1).

It is not necessary for the student to have a job offer at the time the application for M-1 practical training is filed, as long as the school has recommended a period of practical training.

The application for practical training must be submitted prior to the expiration of the student's authorized period of stay and not more than sixty days before or more than thirty days after completion of the course of study. [8 CFR 214.2(m)(14)(ii)]

The student has permission to engage in employment for practical training only if and when the student receives the Form I-20 ID copy endorsed to that effect. [8 CFR 214.2(m)(14)(iii)]

An M-1 student with permission for practical training may be issued a new Form I-20M-N for the purpose of reentering the U.S. after a temporary absence. However, if a student has completed his studies and wishes to leave the U.S., he will not be able to obtain permission for practical training upon return to the U.S.; he must seek authorization for practical training prior to departure. Time spent abroad is charged against the student's maximum practical training time. [8 CFR 214.2(m)(14)(iv)]

3M.7.2.4. Work required in a regularly prescribed curriculum. An M-1 student may *not* accept employment except as practical training after completion of

the student's course of study. An M-1 student may not accept employment in a cooperative education work/study program, in a study-related position, or in any other capacity other than as a practical trainee after completing the course of study.

3M.7.2.5. Social Security coverage. Contributions for Social Security should *not* be withheld from wages of nonimmigrant M-1 aliens if the employment is authorized as practical training. Further information may be found in the Social Security Administration publication "Social Security Coverage for Foreign Students and Exchange Visitors," which is available from any Social Security office (see References, Appendix 9). This booklet should be shown by the student to any employer who may not be familiar with this exemption.

3M.7.2.6. Income tax obligations. Information on an M-1 student's tax obligations may be found in Internal Revenue Service publications 518 "Foreign Scholars and Educational and Cultural Exchange Visitors" and 519 "U.S. Tax Guide for Aliens" (see References, Appendix 9). Earnings for practical training employment will generally be subject to federal and state income taxes (unless a tax treaty provides exemption).

3M.8 Extension of Stay

An M-1 student must keep valid his permission to stay in the United States as noted on his Form I-20 ID copy. Since all M-1 students are admitted to the U.S. for a specific period of time, they must apply to INS for extension of stay if they wish to remain beyond that time.

Application for extension of stay is made on Form I-538, which is completed by the student and endorsed by the designated school official to certify the student is continuing a full course of study. If a student applying for an extension of stay is seeking a school transfer, the I-20M-N for the new school must accompany the application. The Form I-538, the required fee (see Fee Schedule, Appendix 1), the student's Form I-20 ID copy, the Form I-20M-N, if applicable, and the Forms I-94 of dependents, if any, must be submitted to the INS office having jurisdiction over the student's current school not less than fifteen or more than sixty days before the student's authorized stay expires. The student should not send his Form I-94 or passport to INS (the passport expiration date is indicated on the Form I-538). Form I-20 ID copy, endorsed to show INS approval or denial of the application, is returned to the student. Extensions given an M-1 student will *not* be noted on Form I-94.

If the application for extension is granted, the student and the student's dependents, if any, will receive extensions of stay for the period of time necessary to complete the course of study plus thirty days within which to depart from the United States or apply for change of status or for one year, whichever is less. [8 CFR 214.2(m)(10)]

An M-1 student who has been compelled by illness to interrupt or reduce a course of study may be granted an extension of stay without being required to change nonimmigrant classification provided that it is established that the student will pursue a full course of study upon recovery from the illness. [8 CFR 214.2(m)(10)(iii)]

While the application for extension of stay is pending, the M-1 student is considered to be legally in the U.S. if he has met and continues to meet all the requirements for maintaining his status.

Occasionally a student will find it necessary to leave the U.S. before the Form I-20 ID copy has been returned to him. The foreign student adviser may want to issue a letter to the student certifying the student's academic status and explaining the absence of the Form I-20 ID copy. The student's I-20 ID copy admission number should be included in the letter. The lack of a Form I-20 ID copy will not prevent the student's departure from the U.S. However, it may prevent his entry into Canada or Mexico (see Section 3M.11.1.1). Lack of a Form I-20 ID copy may delay the student's reentry from abroad (see Section 3M.11.1.2).

3M.9 Transfer of Schools

An M-1 student may *not* transfer schools after six months in M-1 status *unless* he is unable to remain at the school to which he was initially admitted "due to circumstances beyond the student's control." Otherwise, an M-1 student may be granted permission to transfer schools if he:

"(A) Is a bona fide nonimmigrant;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer." [8 CFR 214.12(m)(11)(i)] The regulations do not specify a minimum period of full-time enrollment at the originally authorized school, although it is clear that the student must have been enrolled at the last school for at least some period of time. If he has not enrolled at all, the student must apply for reinstatement to M-1 status (see Section 3M.10) for the purpose of attending the new school.

3M.9.1. Procedure. "An M-1 student must apply for permission to transfer between schools on Form I-538 accompanied by the student's Form I-20 ID copy and the Forms I-94 of the student's spouse and children, if applicable. The Form I-538 must also be accompanied by Form I-20M-N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for school transfer to the Service office having jurisdiction over the school the student was last authorized to attend. Sixty days after having filed an application for school transfer, an M-1 student may effect the transfer subject to approval or

denial of the application. An M-1 student who transfers without complying with this regulation or whose application is denied after transfer pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be retroactive to the date of filing the application, and the student will be granted an extension of stay for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less." [8 CFR 214.2(m)(11)(ii)]

The regulatory provisions concerning school transfer can cause a problem for an M-1 student who wishes to transfer schools but who cannot, for lack of required documentation or for some other reason, apply for permission to transfer at least sixty days in advance of the opening of classes at the new school. If the student can apply at least sixty days in advance, he can enroll in the new school even though there has not yet been a reply to his application. But if he must enroll in the new school before sixty days have passed after submitting his application and if he has not yet received a response to the transfer application, he is considered out of status if he does enroll in the new school. He is also considered out of status if he does not continue in school. A student who is not able to apply for permission to transfer schools at least sixty days in advance of transferring might be encouraged to go personally to the district INS office to get the application adjudicated, if he lives in a district where up-front adjudication (see Section 2.8) is available.

INS will note approval of the school transfer and the name of the new school on Form I-20 ID copy and return the Form I-20 ID copy to the student. Form I-20N will be forwarded to the new school as notice of approval of the school transfer.

3M.9.2. Failure to attend authorized school. If an M-1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status. [8 CFR 214.2(m)(11)(iii)] (See Section 3M.10.) INS will approve an application for reinstatement to M-1 status only if the student provides extraordinary justification for his failure to attend the school he was last authorized to attend. The regulations do not specify a minimum period of full-time enrollment at the originally authorized school, although it is clear that the student must have been enrolled at the last school for at least some period of time. If he has not enrolled at all, the student must apply for reinstatement to M-1 status (see Section 3M.10) for the purpose of attending the new school.

3M.10 Reinstatement to Student Status

An M-1 student who has overstayed the authorized period of stay granted by INS, or who has otherwise failed to maintain his M-1 student status (see Section

3M.6), may be reinstated, at the discretion of the district director, to lawful M-1 student status only if:

"(A) The student establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful M-1 status would result in extreme hardship to the student;

(B) The student makes a written request for reinstatement accompanied by a properly completed Form I-20M-N from the school the student is attending or intends to attend and the student's Form I-20 ID copy;

(C) The student is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20M-N;

(D) The student has not been employed without authorization; and

(E) The student is not deportable on any ground other than section 241(a)(2) [overstay] or (9) [failure to maintain status] of the Act." [8 CFR 214.2(m)(16)(i)]

If INS reinstates the student, the student will receive his Form I-20 ID copy so noted and the school will receive Form I-20N so noted. If INS decides not to reinstate the student, the student may not appeal this decision. However, the student may file a motion for reconsideration (see Section 8.3.2.3).

3M.11 Visits Abroad and Reentry

Whenever an M-1 student wishes to leave the United States temporarily and return to continue his studies, he must take with him appropriate documentation to permit his entry to another country and his reentry to the U.S. The reentry documentation will generally include (1) a new Form I-20M-N or page 4 of the student's last Form I-20M-N, (2) the student's Form I-20 ID copy, and (3) a valid visa and a valid passport (unless the student is not subject to the passport and visa requirements).

3M.11.1. Entry into another country. An M-1 student who wishes to visit temporarily his country of citizenship or permanent residence will be allowed to enter that country if he holds a valid passport or other travel document issued by that country. Specific visa requirements for entry to other countries should be obtained directly from the appropriate embassy or consulate in the United States.

3M.11.1.1. Entry to Canada. An M-1 student who wishes to visit Canada must have the following documents in his possession: (1) a valid passport; (2) a valid Form I-20 ID copy; (3) a valid Form I-94; (4) evidence of return transportation arrangements; (5) sufficient funds for the contemplated visit in Canada; (6) a currently endorsed page 4 of Form I-20M-N or a recently issued Form I-20M-N; and (7) at certain border crossing stations, a letter from the foreign student adviser confirming the holder is a full-time student at the school.

In addition, an M-1 student may need a Canadian tourist visa, depending on his country of nationality.

Visitors from the following countries are not required to have Canadian tourist visas to enter Canada:

Andorra	Malaysia
Argentina	Malta
Australia	Mauritius
Austria	Mexico
Bahamas	Monaco
Bangladesh	Nauru
Barbados	Netherlands
Belgium	New Zealand
Belize	Nicaragua
Bolivia	Norway
Botswana	Panama
Brazil	Papua New Guinea
Costa Rica	Paraguay
Cyprus	Peru
Denmark	Portugal
Dominica	San Marino
Dominican Republic	St. Lucia
Fiji	St. Vincent
Finland	Seychelles Republic
France	Sierra Leone
Gambia	Singapore
Germany, Federal	Solomon Islands
Republic of	Spain
Greece	Sri Lanka
Grenada	Surinam
Guatemala	Swaziland
Guyana	Sweden
Honduras	Switzerland
Iceland	Tanzania
Ireland	Tonga
Italy	Trinidad and Tobago
Jamaica	Turkey
Japan	Tuvalu
Kenya	United States
Kiribati	Uruguay
Lesotho	Venezuela
Liechtenstein	Zambia
Luxembourg	Zimbabwe
Malawi	

In addition, visas are not required of tourists who are citizens of the United Kingdom and colonies with the right of abode in the United Kingdom; citizens of the United Kingdom and colonies who derive their citizenship through birth, descent, registration, or naturalization in one of the British dependent territories of Belize, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands, or one of the West Indies Associated States of Antigua, and St. Kitts-Nevis-Anguilla.

Persons holding passports or travel documents issued by the Holy See, and persons lawfully admitted to the U.S. for permanent residence coming to Canada directly from the U.S. are also exempt from visa requirements.

Visitors from countries other than those listed above must apply to a Canadian consular office for the required tourist visa. It is advisable to make the application at least two weeks before the anticipated date of travel. The application must be accompanied by the documentation enumerated in the first paragraph of this section.

3M.11.2. Requirements for reentry into the United States. An M-1 student must have the following materials in order to reenter the United States after a temporary absence to resume attendance at the same school: (1) a valid passport and a valid visa (unless exempt from passport and visa requirements—see Sections 2.2.4 and 2.3.2), (2) Form I-20 ID copy, and (3) a properly endorsed page 4 of Form I-20M-N or a new Form I-20M-N if there have been substantive changes in the information on the Form I-20M-N issued earlier.

If reentry is for the purpose of beginning attendance at a new school, authorization to attend the new school must be noted by INS on Form I-20 ID copy or the U.S. visa must be amended by a consular officer to show the name of the new school. Consular officers will make notations on existing visas for a new school upon a request supported by a Form I-20M-N from the new school and evidence of continued financial ability and nonimmigrant intent. Obtaining school transfer authorization on Form I-20 ID copy is a preferred approach, but only when time allows a transfer application to be adjudicated before departure.

It is not possible to revalidate an M-1 visa inside the United States. An M-1 student who needs to revalidate his visa in order to reenter the U.S. after a temporary absence must apply for the revalidation at a U.S. consulate. While it is possible for an alien to secure renewal of an M-1 visa in a foreign country other than his own, he may face more stringent requirements than he would if he were in his own country. In addition to proving his eligibility for an M-1 visa, he may have to convince the consular officer that he has a legitimate reason for making his renewal application outside his own country. In many instances the consular officer in the third country will find it necessary to check with the consulate or embassy in the student's place of residence. This can be time consuming. Further, if information is requested by cable rather than diplomatic mail in order to save time, cable charges will be assessed against the visa applicant.

The documents needed for visa revalidation are a valid passport, a current photograph, a valid Form I-20 ID copy, page 4 of Form I-20M-N endorsed within six months by a designated official of the school the visa applicant is attending or a new Form I-20M-N, and proof of financial capability for continuing studies.

3M.11.3. Automatic revalidation of visas. An expired M-1 visa may be considered to be automatically revalidated to the date of application for readmission to the U.S. (and therefore the visa in the passport need not

have an expiration date which is current) provided the M-1 student:

1. Is applying for readmission to the U.S. after an absence not exceeding thirty days solely in contiguous territory or adjacent islands other than Cuba;

2. Has maintained and intends to resume his status as an M-1 student and is reentering the U.S. prior to the expiration of his previously authorized stay;

3. Presents either a currently valid page 4 of Form I-20M-N or a new Form I-20M-N issued by the school he is authorized to attend and which contains the expiration date of his previously authorized stay;

4. Is in possession of a valid passport;

5. Presents a Form I-94 and a Form I-20 ID copy reflecting M-1 status; and

6. Does not require the authorization of his temporary admission to the U.S. under Section 212 (d)(3) of the Act (a provision for waiver of excludability—see Section 8.5.1). [22 CFR 41.125(f)(2), 8 CFR 214.1(b)]

Furthermore, a person who entered the U.S. in a classification other than M-1 student, but whose status was subsequently changed to M-1 student, may be considered to have his previous visa automatically revalidated and converted to an M-1 visa if he meets the conditions stated above.

Thus, under these circumstances, an M-1 student whose visa has expired may be saved the necessity of applying for a new or revalidated visa at a consular post outside the U.S. [22 CFR 41.125 (f)(2), 8 CFR 214.1 (b)(3)]

In order to prevent delays at the port of reentry, it is wise to add conspicuously to page 4 of the Form I-20M-N or on any new Form I-20M-N in the "Remarks" on page 1 a special note indicating that the student is eligible for automatic revalidation (or conversion) of visa under 22 CFR 41.125(f)(2).

3M.12 Change of Status

3M.12.1. Change to M-1 student status. An alien in any nonimmigrant status except C, D, K, and in some cases J, may apply for a change to M-1 status if he has maintained lawful nonimmigrant status up to the time the application for change of nonimmigrant status is filed. Application is made on Form I-506 (Application for Change of Nonimmigrant Status). The Form I-506 must be accompanied by a properly executed Form I-20M-N from the admitting institution (applicant must complete pages 2 and 7); a Form I-20 ID copy with the spaces regarding the applicant's name, date of birth, and country of citizenship completed; the applicant's Form I-94, evidence of financial support, and a required fee (see Fee Schedule, Appendix I).

INS cannot approve a change to M-1 status if the applicant "intends to pursue the course of study solely in order to qualify for a subsequent change" to H temporary worker status. [8 CFR 248.1(c)]

A nonimmigrant B-2 visitor for pleasure may wish to change to M-1 student status under various sets of circumstances:

- a. He has a B-2 visa bearing the notation, "prospective student." (See Section 6.2.2.2.) Consular officers are authorized to grant B-2 prospective visas to prospective M-1 students only if the students plan to enter the U.S. more than ninety days prior to the school reporting date shown on Form I-20M-N. A person with a B-2 visa marked "prospective student" should routinely be able to obtain a change to M-1 status.

- b. The situation described in "a" above may exist, but the consular officer has neglected to write "prospective student" on the B-2 visa.

- c. He entered the U.S. in B-2 status and while here decided to attend school. He is admitted to a school and obtains a Form I-20M-N.

- d. He believed while outside the U.S. that he would encounter difficulty in securing an M-1 visa from a consular officer, so he got a B-2 visa and entered the U.S. intending to apply to change to M-1 status here.

Individuals in categories "a," "b," and "c" should be able to change to M-1 status. Those in category "d" will be denied a change of status. Those in categories "b" and "c" may have difficulty convincing INS of their good faith. The foreign student adviser should inform an applicant for a change of status from B-2 to M-1 that the application may be denied if the B-2 visa is not marked "prospective student." Individuals in categories "b" and "c" should be instructed to provide INS with whatever information or evidence is available to support their contention that they are entitled to a change to M-1 status.

A change of status from M-2 to M-1 requires neither a formal application nor the payment of a fee. The request must be accompanied by the Form I-94 of the applicant; a properly executed Form I-20M-N; a Form I-20 ID copy with the spaces regarding the applicant's name, date of birth, and country of citizenship completed; evidence of financial capability, and information about passport validity. The applicant must submit a letter to the INS office having jurisdiction over his place of temporary residence in the U.S. requesting the change of nonimmigrant classification. [8 CFR 248.3(b)]

3M.12.2. Change from M-1 student status. Except in specific cases having to do with change to H status or F-1 status, an M-1 student may apply for a change to any other nonimmigrant status for which he is eligible by completing Form I-506 (Application for Change of Nonimmigrant Status) and submitting the supporting documentation described in the instruction sheet attached to that form.

An alien in M-1 classification may not change to F-1 classification. [8 CFR 248.1(c)] However, a person classified M-2 may change to F-1 status if qualified.

Regarding change to H status, INS will:

... deny an application for change of nonimmigrant classification from that of an M-1 student to that of an alien temporary worker under Section 101(a)(15)(H) of the Act if the education or training which the student received while an M-1 student enables the student to meet the qualifications for temporary worker classification under Section 101(a)(15)(H) of the Act." [8 CFR 248.1(d)]

If an M-1 student possessed the necessary qualifications for the H-1, H-2, or H-3 status proposed prior to his current course of study, then such a change of status may be granted. Also, H-4 dependent status may be granted to a spouse or minor child of an H-1, H-2, or H-3 alien (see Section 5).

A change of status from M-1 to M-2 requires neither a formal application nor the payment of a fee. The applicant must submit a letter to the INS office having jurisdiction over his place of temporary residence in the United States requesting the change of nonimmigrant classification. [8 CFR 248.3(b)] The request must be accompanied by (1) the Form I-94 of the applicant, (2) the Forms I-20 ID copy of the principal alien and the applicant, (3) proof of family relationship to the M-1 student, and (4) information about passport validity.

The INS will deny an application for change from M to J (Exchange Visitor) status if it appears that the change is desired primarily to enable the applicant's dependents to apply for permission to accept employment (see Section 3F.15.4 and 4.13.4). An exception may be made, at the discretion of the district director, if the change in status will make the applicant subject to the two-year foreign residence requirement of Section 212 (e) of the Act.

An M-1 student must apply for any change of status while his authorized stay is valid, that is, no later than thirty days after the completion of the course of study or period of authorized practical training.

3M.12.3. Reentry to obtain new status. An M-1 student may sometimes obtain a new nonimmigrant status by leaving the U.S. and reentering with a new visa. If the student can be issued a visa for reentry in the desired status, reentry can make it possible to obtain a new nonimmigrant status when it is not possible to change to that new status in the U.S. Of course, all visa applicants must establish eligibility under the terms of Section 101(a)(15) of the Act. There is no effective means of appealing the denial of a visa.

3M.13 Departure upon Termination of Status

An M-1 student automatically has thirty days to depart from the U.S. after completion of his course of study and authorized practical training, if any. [8 CFR 214.2(m)(5)] INS may grant up to thirty additional days when needed to effect departure because of "conditions beyond an alien's control or other special circumstances." [8 CFR 214.1(c)(5)] An M-1 student seeking this extra thirty days must present his Form

I-94, Form I-20 ID copy, passport, and an informal request to the INS office having jurisdiction over his place of temporary residence in the United States.

3M.13.1. Sailing Permit (Certificate of Compliance). An M-1 student who has earned taxable income is formally required to obtain a Sailing Permit, or Certificate of Compliance, from the Internal Revenue Service (stating that he has met all U.S. tax obligations), whenever that individual leaves the U.S. for destinations other than Canada or Mexico. No Sailing Permit is needed if taxable income has not been earned. For further information, consult Internal Revenue Service publications 518, "Foreign Scholars and Educational and Cultural Exchange Visitors," and 519, "U.S. Tax Guide for Aliens," (see References, Appendix 9).

3M.13.2. Surrender of documents. An M-1 student departing from the U.S. (to places other than Canada, Mexico, or adjacent islands other than Cuba for thirty days or less must surrender his Form I-94 to (1) a representative of the carrier providing transportation out of the U.S. at the time of boarding, (2) a Canadian immigration officer at the U.S.-Canada border, or (3) a U.S. immigration officer at the U.S.-Mexico border. An M-1 student should *not* surrender his Form I-20 ID copy upon departure. It is essential to any later entry to the U.S. as an F-1 or M-1 student.

3M.13.3. Institutional reporting responsibilities. Institutional reporting responsibilities regarding an M-1 student who terminates attendance at a school are discussed in Section 3.6.3. The requirement to submit Form I-20B was eliminated effective August 1, 1983.

3M.14 Spouse/Dependent (M-2) Status

3M.14.1. Eligibility. The spouse and unmarried minor children of an M-1 student may accompany the student to the U.S. or follow to join him at a later date. They will be accorded M-2 status provided they establish to the satisfaction of the consular officer and an immigration officer at the port of entry that (a) they have sufficient funds to cover their expenses, or other arrangements have been made to provide for their expenses; and (b) they intend in good faith and will be able to depart from the U.S. "upon the termination of the status of the principal alien." [22 CFR 41.68(b)]

3M.14.2. Entry documentation for M-2 dependents. If the dependent spouse and unmarried minor children will accompany the student to the U.S., the Form I-20M-N which the student submits to the U.S. consul abroad with his application for an M-1 visa for himself (see Sections 3M.3 and 3M.4) may be used to request M-2 visas and entry in M-2 status for the spouse and unmarried minor children. If the dependents follow later to join the student, they will need to submit to the U.S. consular official either page 4 of Form I-20M-N with a current endorsement or a new Form I-20M-N

completed for use by spouse and/or children in acquiring M-2 classification. If a new Form I-20M-N is issued, it is not required to state the names of the dependents on the face of the form, but it is considered good practice to state them in the "Remarks" section.

3M.14.3. *Obtaining a visa and entering the U.S.*

3M.14.3.1. *Aliens subject to passport and visa requirements.* An M-1 student's spouse and unmarried minor children who are required to have valid passports and visas for entry to the U.S. (see Sections 2.2.4 and 2.3.3) must apply for M-2 visas at a U.S. consulate or embassy abroad. The applicant must present the consular official with either a page 4 of Form I-20M-N validated within six months or a new Form I-20M-N completed in the name of the M-1 principal and such other documents as may be required to demonstrate eligibility for M-2 status (see Section 2.3).

If the visa application is approved, the form will be returned to the applicant for use in applying for admission to the U.S. When the dependents arrive at the U.S. port of entry, they present their passports and the forms to the immigration inspector. Upon admitting the alien to the U.S., the inspector issues the alien a Form I-94, showing the date and place of entry, classification, and authorized period of stay. The period will coincide with that of the M-1 principal, as shown on page 4 of Form I-20M-N or on page 1 of a new Form I-20M-N.

3M.14.3.2. *Aliens not subject to passport and visa requirements.* The M-1 student's spouse and unmarried minor children who are not subject to passport and visa requirements (see Section 2.2.4 and 2.3.2) and who wish to enter the U.S. in M-2 status may apply directly to an immigration inspector at a U.S. port of entry. The procedure is the same as that followed by aliens required to meet passport and visa requirements except that the applicants are not required to present either passports or visas.

3M.14.4. *Employment.* Individuals holding M-2 status may *not* accept employment or engage in business under any circumstances. Employment, in this context, is defined as the rendering of services, part time or full time, for financial or other compensation, including self-employment.

3M.14.5. *Extension of stay.* Application for extension of stay for an M-2 spouse and minor children is included in the M-1 student's application for extension of stay. Information about the M-2 dependents' names, dates of birth, and passport expiration dates is entered on the Form I-538 (see Section 3M.8) which is submitted to the INS along with Form I-20 ID copy of the M-1 principal and Forms I-94 of all M-2 dependents. The periods of stay for the principal and the dependents will be extended to the same date.

Occasionally, when an M-2 dependent arrives in the U.S. at a date later than the M-1 student, the M-2

dependent's Form I-94 will reflect an earlier or a later date of expiration of stay than does the Form I-20 ID copy of the M-1 student. When the M-2 dependent's period of stay ends *before* that of the M-1 principal, the Form I-20 ID copy of the M-1 student and Form I-94 of the M-2 dependent can be sent to the INS, with information concerning the validity of the dependent's passport, and a letter requesting that the M-2 dependent's period of stay be extended to coincide with that of the M-1 student. When the M-2 dependent's period of stay ends *later* than that of the M-1 principal, the M-2 dependent applies for an extension of stay along with the M-1 student, as described in the preceding paragraph.

3M.14.6. *Visits abroad and reentry.* An M-2 dependent leaving the U.S. temporarily must be certain to have the documents necessary to enter the country visited and to reenter the U.S. (see Section 3M.11). As in the case of the M-1 principal, the M-2 dependent needs a valid passport and visa (unless exempt from passport and visa requirements—see Sections 2.2.4 and 2.3.2) and either page 4 of Form I-20M-N endorsed within the past six months by the designated school official or a new Form I-20M-N (each in the name of the M-1 student). The page 4 of the Form I-20M-N should be completed as described in Section 3M.14.2. M-2 dependents are eligible for automatic revalidation of visas on the same basis as M-1 students (see Section 3M.11.3).

A special situation arises when the principal M-1 student travels outside the U.S., leaving the M-2 dependents in the U.S. Since a dependent's stay in this country is valid only while the M-1 student maintains status here, it is not legitimate for the dependent to remain in the U.S. while the M-1 student is absent from the country for any significant period of time.

3M.14.7. *Change of status*

3M.14.7.1. *Change to M-2 nonimmigrant status.* A nonimmigrant alien may apply for a change to M-2 status if the spouse changes from another nonimmigrant classification to M-1, or if he becomes the spouse of an alien in M-1 status. For both situations, the applicant must provide verification that he can support himself during his contemplated stay in the U.S.

In those instances when the dependent's spouse is changing to M-1 status, application for the change is included in the principal's application, and the dependent's Form I-94 is submitted along with that of the principal alien. In the case of marriage to an M-1 student, the nonimmigrant spouse (and children, if applicable) may apply for a change to M-2 status by submitting to the INS the Forms I-94 of the applicant(s), the Form I-20 ID copy of the principal M-1 student, evidence of family relationship (e.g., marriage certificate), a completed Form I-506 (Application for Change

of Nonimmigrant Status), and the required fee (see Fee Schedule, Appendix 1).

No formal application or fee is required for a change of nonimmigrant status from M-1 to M-2 or vice versa. To change from M-1 to M-2 status, the applicant should submit to INS a letter requesting reclassification, with the principal's (M-1) Form I-20 ID copy and the applicant's Form I-94 and Form I-20 ID copy, proof of a family relationship to the M-1 principal, and information about passport validity. A letter from the applicant requesting the change of status is now *required* by the regulations. [8 CFR 248.3(b)]

3M.14.7.2. *Change from M-2 nonimmigrant status.* A nonimmigrant in M-2 status is eligible for a

change to another nonimmigrant classification if he can meet all the requirements for the desired classification. The applicant must complete Form I-506 (Application for Change of Nonimmigrant Status) and submit it to INS along with his Form I-94, the required fee (see Fee Schedule, Appendix 1), and the other materials specified on the instruction sheet attached to the Form I-506. No formal application or fee is required for change from M-2 to M-1 status.

3M.14.8. *Departure or termination of status.* A nonimmigrant holding M-2 status must terminate that status and depart from the United States "upon the termination of the status of the principal alien." [22 CFR 41.68(b)] The M-2 nonimmigrant will surrender his Form I-94 at the time of departure.

APPENDIX 1

FEE SCHEDULE

I-17	Petition for Approval of School for Attendance by Nonimmigrant Alien Student	\$50.00
I-90	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-551	\$15.00
I-102	Application by Nonimmigrant Alien for Replacement of Arrival Document	\$15.00
I-129B	Petition to Classify Nonimmigrant as Temporary Worker or Trainee or as Intracompany Transferee	\$35.00
I-129F	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa	\$35.00
I-130	Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa	\$35.00
I-131	Application for Issuance or Extension of Permit to Reenter the U.S.	\$15.00
I-140	Petition to Classify Preference Status of Alien on Basis of Profession or Occupation	\$50.00
I-193	Application for Waiver of Passport and/or Visa	\$15.00
I-212	Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal	\$35.00
I-290A	Notice of Appeal to the Board of Immigration Appeals	\$50.00
I-290B	Notice of Appeal to Regional Commissioner	\$50.00
I-485	Application for Status as Permanent Resident	\$50.00
I-506	Application for Change of Nonimmigrant Status	\$15.00
I-538	Application by Nonimmigrant Student for Extension of Stay, School Transfer, and Permission to Accept or Continue Employment or Practical Training	\$15.00
I-539	Application to Extend Time of Temporary Stay	\$15.00
I-589	Request for Asylum in the United States	No fee
I-612	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the INA, as amended	\$50.00
N-400	Application to File Petition for Naturalization	\$35.00
N-600	Application for Certificate of Citizenship	\$35.00
	Motion to reopen or reconsider	\$50.00
	Request for temporary withholding of deportation	\$50.00
	Certification of copies or attestation	\$ 2.00

The payment of fees must be made in the form of a personal or cashier's check or a money order made payable to Immigration and Naturalization Service, U.S. Department of Justice. Cash will not be accepted.

The regulations provide for a waiver of a fee if an applicant can demonstrate to the satisfaction of the Service that he is unable to pay the fee. The fee schedule should not prohibit applications or requests on the basis of the inability to pay. [8 CFR 103.7(c)(1)] Requests for a waiver of fees in connection with applications of nonimmigrants may raise the question of financial capability. Such waivers should be requested only when absolutely necessary.

1-94	IMMIGRATION AND NATURALIZATION SERVICE ARRIVAL/DEPARTURE RECORD	Form Approved OMB No. 1115-077 Expires 8-31-85
	WELCOME TO THE UNITED STATES	

INSTRUCTIONS

- ALL PERSONS EXCEPT U.S. CITIZENS MUST COMPLETE THIS FORM. A SEPARATE FORM MUST BE COMPLETED FOR EACH PERSON IN YOUR GROUP.
- TYPE OR PRINT LEGIBLY WITH PEN IN ALL CAPITAL LETTERS. USE ENGLISH. DO NOT WRITE ON THE BACK OF THIS FORM.
- This form is in two parts, an ARRIVAL RECORD (Items 1 through 7), and a DEPARTURE RECORD (Items 8 through 10). You must complete both parts. Enter exactly the same information in spaces 8, 9, and 10 as you enter in spaces 1, 2, and 3.
- Item 7. If you entered the United States by land, enter "LAND" in this space.
- WHEN YOU HAVE COMPLETED ALL REQUIRED ITEMS, PRESENT THIS FORM TO THE U.S. IMMIGRATION AND NATURALIZATION INSPECTOR.

ADMISSION NUMBER 995-01573637		I-94 ARRIVAL RECORD (Rev. 1-1-83)H	
1. FAMILY NAME (SURNAME) (leave one space between names)			
FIRST (GIVEN) NAME (do not enter middle name)			
2. DATE OF BIRTH		3. COUNTRY OF CITIZENSHIP	
DAY	MO. YR.	4. COUNTRY OF RESIDENCE (country where you live)	
5. ADDRESS WHILE IN THE UNITED STATES (Number and Street)			
City State			
6. CITY WHERE VISA WAS ISSUED		7. AIRLINE & FLIGHT NO. OR SHIP NAME*	
THIS FORM IS REQUIRED BY THE IMMIGRATION AND NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF JUSTICE.			

WARNING * A nonimmigrant who accepts unauthorized employment is subject to deportation. IMPORTANT * Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.	
ADMISSION NUMBER 995-01573637	
8. FAMILY NAME (SURNAME) (same as Family Name in Item 1 above)	
FIRST (GIVEN) NAME (same as First Name in Item 1 above)	
9. DATE OF BIRTH (same as Item 2)	10. COUNTRY OF CITIZENSHIP (same as Item 3 above)
DAY MO. YR.	
SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION	
U.S. IMMIGRATION AND NATURALIZATION SERVICE I-94 DEPARTURE RECORD (Rev. 1-1-83)H	

THIS SIDE FOR GOVERNMENT USE ONLY

(DO NOT WRITE BELOW THIS LINE)

PRIMARY INSPECTION	NAME
	II NUMBER DATE/TIME REFERRED
	REASON REFERRED
SECONDARY INSPECTION	II NUMBER END TIME SECONDARY
	DISPOSITION

11. OCCUPATION	
12. SCHOOL	
13. ITINERARY	
14. PETITION NUMBER	15. INS FILE NO.
16. WAIVERS	

IMPORTANT NOTICE

- You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of law.

SURRENDER THIS PERMIT WHEN YOU LEAVE THE UNITED STATES

- By sea or air, to transportation line.
- Over Canadian border, to Canadian Official.
- Over Mexican border, at the designated location.

RECORD OF CHANGES

DEPARTURE RECORD

Port: _____
 Date: _____
 Carrier: _____
 Flight No./Ship Name: _____

For sale by the Superintendent of Documents, U.S. Government Printing Office
 Washington, D.C. 20460

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

OMB No. 1515-0051
Expires 4-30-86

— WARNING —

A nonimmigrant who accepts unauthorized employment is subject to deportation.

Record of School Transfers

1. Print Name and Title of INS Officer or School Official

Transfer Authorized to (School Name)

Signature and Date

2. Print Name and Title of INS Officer or School Official

Transfer Authorized to (School Name)

Signature and Date

3. Print Name and Title of INS Officer or School Official

Transfer Authorized to (School Name)

Signature and Date

Admission Number

Family Name (Last Name)

First Name (Given Name)

Country of Citizenship

Date of Birth
Day Month Year

You may remain in the United States only until the date written on this form.

IMPORTANT NOTICE — M-1 STUDENTS

1-20 ID copies.)
space for more school transfers is needed attach additional Form
for a degree) and any authorized practical training plus 30 days. (If
complete one educational program (e.g., elementary school, bache-
You may remain in the United States for duration of status to

IMPORTANT NOTICE — F-1 STUDENTS

extension of stay, you are in violation of the law
3. If you are in the United States beyond the approved stay without
applying to the Immigration and Naturalization Service for an
longer attending that school.
the school is required to keep a record of your admission number until
included in your request. The school you were last authorized to
from the immigration office having jurisdiction over the school you
were last authorized to attend. Your admission number must be
2. If you lose this form you must request a new one, on Form I-102,
delay your entry into the United States in the future.
1. Retain this permit in your possession; DO NOT surrender it
when you leave the United States. Failure to have this form will

IMPORTANT NOTICES — ALL STUDENTS

Record of Updates Other than School Transfers

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form I-20 ID Copy

(Not valid unless signed below)

Signature of Student

(Edition of 5-1-83)

U.S. GPO: 1983-402-605

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)			
FIRST (GIVEN) NAME (do not enter middle name)			
DATE OF BIRTH		COUNTRY OF CITIZENSHIP	
DAY	MO	YR	COUNTRY OF BIRTH

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (include Zip Code)

For Immigration Official	
☐ REINSTATED, EXTENSION GRANTED TO	
Visa Issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

1. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):

School name (School/School District) _____

Approval granted on (date) _____ School file number (including 3-digit suffix) _____ 214F _____

2. This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.
b. ☐ Continued attendance at this school after a temporary absence from the United States.
c. ☐ Transfer.
d. ☐ Use by spouse and/or children in acquiring nonimmigrant F-2 classification.
e. ☐ Other (specify): _____

3. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of _____
The student is expected to report to the school not later than (date) _____ and complete studies not later than (date) _____. The normal length of the course of study is _____.

4. Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ Primary c. ☐ Undergraduate e. ☐ Graduate-Ph D g. ☐ Other
b. ☐ High school d. ☐ Graduate-master's f. ☐ Language training

5. a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: _____
b. Proficiency in the English language is not ☐ required. Explain why not: _____

6. This school estimates the student's average costs for an academic term of _____ months (up to 12 months) to be the following:

- a. Tuition and fees \$ _____
b. Living expenses \$ _____
c. Expenses of dependent(s): \$ _____
d. Other (specify) \$ _____ Total \$ _____

7. This school has information showing the following as the student's means of support, estimated for an academic term of _____ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ _____
b. Family funds from abroad: \$ _____
c. Funds from this school
(Specify type): _____ \$ _____
d. Funds from another source
(Specify type/source): _____ \$ _____
e. On-campus employment, if applicable: \$ _____ Total \$ _____

8. Remarks (complete as appropriate): _____

I certify under penalty of perjury that:
All information provided above in items 1 through 8 was completed before I signed this form and is true and correct. I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form. The school has determined that the above-named student's qualifications meet all standards for admission to the school. The student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6). I am a designated official of the above-named school and I am authorized to issue this form.

Signature of Designated
School Official

Name of School
Official (printed
or typed)

Title

Date Issued

Place Issued
(City and
State)

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY)

Authority for collecting the information on this and related student forms is contained in 8 U.S.C. 1101 and 1184. The information solicited will be used by the Department of State and the Immigration and Naturalization Service to determine eligibility for the benefits requested.

PAGE 2

The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document in the submission of this form.

Fill in ONLY the bottom of page 2 and the bottom of page 8 of this form. Remove and keep pages 3, 4, and 8.

PLEASE READ CAREFULLY, AND BE SURE THAT YOU UNDERSTAND THE FOLLOWING BEFORE SIGNING BELOW.

FORM I-20 ID COPY The first time I enter the United States, I must present a Form I-20 ID copy with this form. I must complete on the Form I-20 ID copy the spaces regarding my name, date of birth, and country of citizenship. It will be returned to me endorsed with my admission number. I must have my Form I-20 ID copy with me at all times. I must not surrender it when I leave the United States. Failure to have it with me if I apply to reenter the United States will delay my entry into the United States. If I lose my Form I-20 ID copy, I must request a new one, on Form I-102, from the Immigration and Naturalization Service office having jurisdiction over the school I was last authorized to attend. My admission number must be included in my request. I understand that the school I was last authorized to attend is required to keep a record of my admission number until the school reports to the Immigration and Naturalization Service that I am no longer attending that school.

ADMISSION I must give this form (I-20A and I-20B) to the American consular officer at the time I apply for a visa (unless I am exempt from visa requirements), and to the immigration officer with evidence of my ability to support myself while pursuing a full course of study when I arrive in the United States. If I am exempt from visa requirements and am applying for admission to the United States as an F-1 student, I must give the immigration officer this form and evidence of my ability to support myself while pursuing a full course of study.

SCHOOL If I am applying for entry to the United States for the first time after being issued an F-1 visa, I will not be admitted unless I plan to attend the school specified in this visa. If, before I depart for the United States, I decide to attend another school, I will present an I-20 A-B from that school to the issuing consular officer to have that school specified in my visa.

EMPLOYMENT I am not permitted to work off-campus or to engage in business unless I have received permission to do so from the Immigration and Naturalization Service. If I require employment, I may apply for permission to work (on Form I-538) accompanied by my Form I-20 ID copy. My application must be based on financial need arising after receiving student status, or the need to obtain practical training. My alien spouse or child (F-2 classification) may not work in the United States.

PERIOD OF STAY I am permitted to remain in the United States only while maintaining nonimmigrant student status. I must also maintain a passport which is valid for a period of no less than 6 months, unless I am exempt from passport requirements. I may remain in the United States for the duration of study to complete one educational program (e.g. elementary school, bachelor's degree), and any practical training authorized by the Immigration and Naturalization Service plus thirty days. If I wish to pursue another educational program, including another degree at the same level (e.g. a second master's degree), I must apply to the Immigration and Naturalization Service office having jurisdiction over the school. I was last authorized to attend (on Form I-538 accompanied by my Form I-20 ID copy) for an extension. To get an extension, I must apply between 15 and 60 days before the date that my authorized stay expires. I may stay while the application is being processed and, if it is approved, until completion of the new educational program and any authorized practical training plus thirty days.

NOTICE OF ADDRESS If I move, I must submit a notice within 10 days of my change of address to the Immigration and Naturalization Service. (The form to be used to make the report is available at any United States Immigration and Naturalization Service office.)

ARRIVAL/DEPARTURE When I depart from the United States, I must give my "Arrival-Departure Record" (Form I-94) to a representative of the steamship or airline if I leave via a seaport or airport, to a Canadian immigration officer if I leave across the Canadian border, or to a United States immigration officer if I leave across the Mexican border. However, I may keep my I-94 for reentering the United States from Mexico or Canada, or from adjacent islands other than Cuba, if I return to the U.S. within 30 days.

SCHOOL TRANSFER WITHIN THE SAME EDUCATIONAL PROGRAM I may remain in the United States only to pursue a full course of study at a specified school. If, after being admitted, I want to transfer to another school within the same educational program, I must give to the designated official at the school I was last authorized to attend a properly completed Form I-20A-B from the school to which I wish to transfer before I transfer to it at that school. The designated official at the old school must notify the Immigration and Naturalization Service of my intent to transfer within 30 days of the date I give the official Form I-20A-B from the new school. If the official does not notify me that this has been done, I will be out of status unless, I report to the Immigration and Naturalization Service within 40 days of the date I gave the official Form I-20 A-B, the official's failure to notify them. Within 30 days of the date I register at the new school, the designated official at that school must endorse my Form I-20 ID copy with the appropriate notation. If I was not pursuing a full course of study at the old school, I am not eligible to transfer in this way.

SCHOOL TRANSFER TO PURSUE ANOTHER EDUCATIONAL PROGRAM If I wish to transfer to another school when I apply for an extension to pursue another educational program, a Form I-20A-B completed by the school to which I wish to transfer must be submitted with my application for extension of stay. Sixty days after filing my application, I may transfer to the new school subject to approval or denial of my application. My application will be denied, however, if I have not been taking a full course of study at the school I was last authorized to attend.

REENTRY If I want to reenter the United States as a nonimmigrant student after a temporary absence, I must be in possession of the following: (1) a valid student visa, unless I am exempt from visa requirements; (2) a passport valid for at least 6 months, unless I am exempt from passport requirements; (3) my Form I-20 ID copy, and (4) a current copy of Form I-20A and I-20B with evidence of my ability to support myself while pursuing a full course of study. (Only a properly endorsed page 4 of Form I-20A-B is required if I am returning from a temporary absence from the United States to continue studies at the school which I was last authorized to attend unless there has been a change in item(s) 3, 4, 6, and 7 on page 1 of my most recent Form I-20A.) If I have been authorized to transfer between schools and am returning to the United States to attend the school to which transfer was authorized as shown on my Form I-20 ID copy, the name of the school I plan to attend does not need to be specified in my visa.

CHANGE TO NONIMMIGRANT STUDENT STATUS In order to change to F-1 student status from any other nonimmigrant status, I must submit Form I-20A-B, Form I-508, Application for Change of Nonimmigrant Status, a Form I-20 ID copy with the spaces regarding my name, date of birth and country of citizenship completed, my Form I-94, Arrival-Departure Record (WITHOUT MY PASSPORT) and evidence of my ability to support myself to the Immigration and Naturalization Service.

PENALTY If I do not register at the school named in my Form I-20 or if I stop attending school, or take less than a full course of study, or accept unauthorized employment, I fail to maintain my status and may be deported from the United States.

I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study, by: (State source and amount of support—Documentary evidence of means of actual support must be attached to this form).

Student Certification

I AUTHORIZE the named school, and any school to which I transfer, to release any information from my records which is needed to determine if I am maintaining the lawful status in which I was admitted to the United States. I further authorize the school to report to the Immigration and Naturalization Service if I fail to register within 60 days of the time expected, to carry a full course of study, or to attend classes to the extent required, or if I become employed and/or terminate attendance at the school. The school is authorized to provide the Service with my name, country of birth, current address, and any other directory information on a regular basis or upon request.

I CERTIFY that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form.

I AGREE to comply with the above terms and with any other conditions of my admission, and those of any extension of stay.

Signature of Student	Name of Student (printed or typed)	Address(City)	(State or Province)	(Country)	(Date)
Current U.S. Address:					
Number and street (Apt. No.)			City	State	Zip Code
Signature of Parent or Guardian if Student is under 18 years of age	Name of Parent or Guardian (printed or typed)	(Relationship)	Address(City)	(State or Province)	(Country) (Date)
					MICROFILM INDEX NUMBER (FOR OFFICIAL USE ONLY)

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)		
FIRST (GIVEN) NAME (do not enter middle name)		
DATE OF BIRTH	COUNTRY OF CITIZENSHIP	
DAY	MO.	YR.
COUNTRY OF BIRTH		

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

For Immigration Official	
☐ REINSTATED, EXTENSION GRANTED TO	
Visa Issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

1. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):
School name (School/School District) _____

Approval granted on (date) _____ School file number (including 3-digit suffix) _____ 214F _____

2. This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.
b. ☐ Continued attendance at this school after a temporary absence from the United States.
c. ☐ Transfer.
d. ☐ Use by spouse and/or children in acquiring nonimmigrant F-2 classification.
e. ☐ Other (specify): _____

3. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of _____
The student is expected to report to the school not later than (date) _____ and complete studies not later than (date) _____
The normal length of the course of study is _____

4. Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ Primary c. ☐ Undergraduate e. ☐ Graduate-Ph D g. ☐ Other
b. ☐ High school d. ☐ Graduate-master's f. ☐ Language training

5. a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: _____

b. Proficiency in the English language is not ☐ required. Explain why not: _____

6. This school estimates the student's average costs for an academic term of _____ months (up to 12 months) to be the following:

- a. Tuition and fees \$ _____
b. Living expenses \$ _____
c. Expenses of dependent(s): \$ _____
d. Other (specify) \$ _____ Total \$ _____

7. This school has information showing the following as the student's means of support, estimated for an academic term of _____ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ _____
b. Family funds from abroad: \$ _____
c. Funds from this school
(Specify type): _____ \$ _____
d. Funds from another source
(Specify type/source): _____ \$ _____
e. On-campus employment, if applicable: \$ _____ Total \$ _____

8. Remarks (complete as appropriate): _____

I certify under penalty of perjury that:
All information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form; the school has determined that the above-named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(8); I am a designated official of the above-named school and I am authorized to issue this form.

Signature of Designated
School Official

Name of School
Official (printed
or typed)

Title

Date Issued

Place Issued
(City and
State)

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY)

Form 1-20A-B (Rev 5-1-83)N

THE FOLLOWING CERTIFICATIONS ARE NOT VALID FOR MORE THAN ONE YEAR. THIS PAGE, WHEN PROPERLY ENDORSED, MAY BE USED FOR ENTRY OF THE SPOUSE AND CHILDREN OF AN F-1 STUDENT FOLLOWING TO JOIN THE STUDENT IN THE UNITED STATES OR FOR REENTRY OF THE STUDENT TO ATTEND THE SAME SCHOOL AFTER A TEMPORARY ABSENCE FROM THE UNITED STATES. (PLEASE READ INSTRUCTIONS ON PAGE 6)

(For entry of spouse and children)

I certify under penalty of perjury that there has been no change in items 3, 6 or 7 on Page 1 of this form (Form I-20A) and that the information on page 3 is identical to the information on page 1.

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

(For reentry of student)

I certify under penalty of perjury that there has been no change in items 3, 4, 6, or 7 on Page 1 of this form (Form I-20A) and that the information on page 3 is identical to the information on page 1.

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date

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I-20B

FAMILY NAME (SURNAME)		
FIRST (GIVEN) NAME (do not enter middle name)		
DATE OF BIRTH		COUNTRY OF CITIZENSHIP
DAY	MO	YR
COUNTRY OF BIRTH		

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (include Zip Code)

For Immigration Official

- ☐ Student admitted to the United States.
- ☐ School transfer authorized.
- ☐ Student reinstated to student status.
- ☐ Alien granted a change of nonimmigrant classification to that of a student.

ADMISSION NUMBER

NOTICE TO THE SCHOOL

The above-named person was admitted to, or authorized to remain in, the United States, for a temporary period as a nonimmigrant student. This action was taken based on verification from your school that the person has been accepted at your school as a full-time student. You must comply with requests for information concerning the person's immigration status. If you fail to submit any requested reports or information, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

A student who, on the basis of the recommendation of your school, has been authorized to accept employment for practical training in a field related to his/her course of study is considered to be in attendance at your school during the authorized period of that employment. Therefore, you are responsible for complying with requests for information concerning the immigration status of such a student.

For Designated School Official (check if appropriate):

- ☐ I submitted Form I-20A and I-20 Transfer to the Immigration and Naturalization Service on (date) _____ to notify them that the above named person indicated the intent to transfer to your school.

Signature of Designated Official
At School Student was Last Authorized
to Attend.

Name of School Official (Printed or typed) Title

Name of School Address of School

SCHOOL

INSTRUCTIONS TO THE SCHOOL

The law provides severe criminal penalties for you and your school for failure to comply with the regulations and instructions governing issuance of this form.

Failure to comply with 8 CFR 214.3(k) may subject you and your school to criminal prosecution.

If you issue this form improperly, provide false information, or fail to submit required reports, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

IT IS YOUR RESPONSIBILITY:

A. To complete Page 1 (Form I-20A) for any alien you have accepted for a full course of study in your school, if that person:

1. Intends to apply for admission to the United States as a nonimmigrant under Section 101 (a) (15) (F) (i) of the Immigration and Nationality Act (F-1 classification);
2. Is in the United States as an F-1 nonimmigrant and intends to transfer to your school; or
3. Is in the United States and will apply to change his/her nonimmigrant classification to F-1.

B. To endorse Page 4 of this form for any alien you have accepted for a full course of study in your school if that person:

1. Is in the United States in F-1 classification and is departing temporarily from the United States, and there has been no change in the information in items 3, 4, 6, and/or 7 on Page 1 (Form I-20A). If there has been a change in items 3, 4, 6, and/or 7 on Page 1, a new Form I-20A-B must be issued for reentry after a temporary absence.

2. Has a spouse or children who wish to join the student in the United States and acquire nonimmigrant (F-2) classification, and there has been no change in the information in items 3, 6, and/or 7 on Page 1. If there has been a change in items 3, 6 and/or 7 on Page 1, a new Form I-20A-B must be issued (THE ENDORSEMENT ON PAGE 4 IS NOT VALID FOR MORE THAN ONE YEAR).

C. To establish that any student to whom you issue this form:

1. Is able to pay all expenses incurred (and those of any dependents with the student) while in the United States.
2. Meets all requirements for admission to your school. If you want assistance in determining the student's proficiency in English, contact the Cultural Affairs Officer at the Embassy of the student's country.

D. To be sure each Page 1 (Form I-20A) is signed and issued in the United States by a designated school official of your school as defined in 8CFR 214.3(l)(1). A designated school official who may be authorized by the school to issue this form must be a regularly employed member of the school administration, whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. A school official who may be authorized to issue this form does not include individuals whose principal obligation to the school is to recruit foreign students for compensation.

E. To remove the carbon sheet and mail or deliver directly to the student all pages of this form.

F. To endorse page 4 of this form at least once a year if the student requests it or mail or deliver directly to the student a new Form I-20A-B for dependents to use in acquiring F-2 nonimmigrant status.

G. To endorse page 4 of this form at least once a year if the student requests it or mail or deliver directly to the student a new Form I-20A-B when the student is leaving the United States for a temporary absence, if the student will be enrolled in your school immediately after reentry.

H. To retain all evidence which shows the scholastic ability and financial status on which admission was based, as long as the student is attending your school.

I. To comply with requests from the Immigration and Naturalization Service for information concerning the student's immigration status.

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)			
FIRST (GIVEN) NAME (do not enter middle name)			
DATE OF BIRTH		COUNTRY OF CITIZENSHIP	
DAY	MO	YR	COUNTRY OF BIRTH

ADMISSION NUMBER

Current Address of Student _____ Student's Telephone Number _____

The above-named person has indicated the intent to transfer to:

Name of School _____ Address of School _____

School File Number of New School
(from item 1 on page 1 of Form I-20A) _____ 214F _____

Check and fill out as appropriate:

- ☐ I recommend I've intended transfer
- ☐ I do not recommend the intended transfer because:
- a ☐ I do not believe that the student is financially able to attend the school to which he or she intends to transfer.
- b ☐ I believe that the student is attempting to prolong his or her stay in the United States.
- c ☐ I do not believe that the student is academically qualified to pursue the course of study at the school to which he or she wishes to transfer.
- d ☐ I have information which indicates that the student has worked or is working without authority.
- e ☐ Other: Explain _____

Signature of Designated Official
at School Student was Last Authorized
to Attend

Name of School
Official (printed
or typed)

Title

Date

Name of School _____ 214F _____ School File Number _____ Address of School _____

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY) _____

This page must be completed and signed in the U.S. by a designated school official.

ADMISSION NUMBER

FAMILY NAME (SURNAME)			
FIRST (GIVEN) NAME (do not enter middle name)			
DATE OF BIRTH		COUNTRY OF CITIZENSHIP	
DAY	MO	YR	COUNTRY OF BIRTH

Check if appropriate:

- ☐ I submitted Form I-20A and I-20 Transfer to the Immigration and Naturalization Service on (date) _____
to notify them that you indicated to me the intent to transfer to _____ located at _____

Address of School _____

Signature of Designated Official
at School Student was Last Authorized
to Attend

Name of School
Official (printed
or typed)

Title

Date

Name of School _____

Address of School _____

Authority for collecting the information on this and related student forms is contained in 8 U.S.C. 1101 and 1184. The information solicited will be used by the Department of State and the Immigration and Naturalization Service to determine eligibility for the benefits requested.

PAGE 8

The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document in the submission of this form.
Fill in ONLY the bottom of page 2 and the bottom of page 8 of this form. Remove and keep pages 3,4, and 8.

PLEASE READ CAREFULLY, AND BE SURE THAT YOU UNDERSTAND THE FOLLOWING BEFORE SIGNING BELOW

FORM I-20 ID COPY The first time I enter the United States, I must present a Form I-20 ID copy with this form. I must complete on the Form I-20 ID copy the spaces regarding my name, date of birth, and country of citizenship. It will be returned to me endorsed with my admission number. I must have my Form I-20 ID copy with me at all times. I must not surrender it when I leave the United States. Failure to have it with me if I apply to reenter the United States will delay my entry into the United States. If I lose my Form I-20 ID copy, I must request a new one, on Form I-102, from the Immigration and Naturalization Service office having jurisdiction over the school. I was last authorized to attend. My admission number must be included in my request. I understand that the school I was last authorized to attend is required to keep a record of my admission number until the school reports to the Immigration and Naturalization Service that I am no longer attending that school.

ADMISSION I must give this form (I-20A and I-20B) to the American consular officer at the time I apply for a visa (unless I am exempt from visa requirements), and to the immigration officer with evidence of my ability to support myself while pursuing a full course of study when I arrive in the United States. If I am exempt from visa requirements, and am applying for admission to the United States as an F-1 student, I must give the immigration officer this form and evidence of my ability to support myself while pursuing a full course of study.

SCHOOL If I am applying for entry to the United States for the first time after being issued an F-1 visa, I will not be admitted unless I plan to attend the school specified in that visa. If, before I depart for the United States, I decide to attend another school, I will present an I-20 A-B from that school to the issuing consular officer to have that school specified in my visa.

EMPLOYMENT I am not permitted to work off-campus or to engage in business unless I have received permission to do so from the Immigration and Naturalization Service. If I require employment, I may apply for permission to work (on Form I-538) accompanied by my Form I-20 ID copy. My application must be based on financial need arising after receiving student status, or the need to obtain practical training. My alien spouse or child (F-2 classification) may not work in the United States.

PERIOD OF STAY I am permitted to remain in the United States only while maintaining nonimmigrant student status. I must also maintain a passport which is valid for a period of no less than 6 months, unless I am exempt from passport requirements. I may remain in the United States for duration of status to complete one educational program (e.g. elementary school, bachelor's degree) and any practical training authorized by the Immigration and Naturalization Service plus thirty days. If I wish to pursue another educational program, including another degree at the same level (e.g. a second master's degree), I must apply to the Immigration and Naturalization Service office having jurisdiction over the school. I was last authorized to attend on Form I-538 accompanied by my Form I-20 ID copy for an extension. To get an extension, I must apply between 15 and 60 days before the date that my authorized stay expires. I may stay while the application is being processed and, if it is approved, until completion of the new educational program and any authorized practical training plus thirty days.

NOTICE OF ADDRESS If I move, I must submit a notice within 10 days of my change of address to the Immigration and Naturalization Service. (The form to be used to make the report is available at any United States Immigration and Naturalization Service office.)

ARRIVAL/DEPARTURE When I depart from the United States, I must give my "Arrival-Departure Record" (Form I-94) to a representative of the citizenship or airline. If I leave via a seaport or airport, to a Canadian immigration officer. If I leave across the Canadian border, or to a United States immigration officer. If I leave across the Mexican border. However, I may keep my I-94 for reentering the United States from Mexico or Canada, or from adjacent lands other than Cuba. If I return to the U.S. within 30 days.

SCHOOL TRANSFER WITHIN THE SAME EDUCATIONAL PROGRAM I may remain in the United States only to pursue a full course of study at a specified school. If, after being admitted, I want to transfer to another school within the same educational program, I must give to the designated official at the school I was last authorized to attend a properly completed Form I-20A-B from the school to which I wish to transfer before I transfer to that school. The designated official at the old school must notify the Immigration and Naturalization Service of my intent to transfer within 30 days of the date I give the official Form I-20A-B from the new school. If the official does not notify me that this has been done, I will be out of status unless I report to the Immigration and Naturalization Service within 40 days of the date I gave the official Form I-20 A-B. The official's failure to notify them, within 30 days of the date I register at the new school, the designated official at that school must endorse my Form I-20 ID copy with the appropriate notation. If I was not pursuing a full course of study at the old school, I am not eligible to transfer in this way.

SCHOOL TRANSFER TO PURSUE ANOTHER EDUCATIONAL PROGRAM If I wish to transfer to another school when I apply for an extension to pursue another educational program, a Form I-20A-B completed by the school to which I wish to transfer must be submitted with my application for extension of stay. Sixty days after filing my application, I may transfer to the new school subject to approval or denial of my application. My application will be denied, however, if I have not been taking a full course of study at the school I was last authorized to attend.

REENTRY If I want to reenter the United States as a nonimmigrant student after a temporary absence, I must be in possession of the following: (1) a valid student visa, unless I am exempt from visa requirements; (2) a passport valid for at least 6 months, unless I am exempt from passport requirements; (3) my Form I-20 ID copy, and (4) a current copy of Form I-20A and I-20B with evidence of my ability to support myself while pursuing a full course of study. (Only a properly endorsed page 4 of Form I-20A-B is required if I am returning from a temporary absence from the United States, to continue studies at the school which I was last authorized to attend unless there has been a change in item(s) 3, 4, 6, and/or 7 on page 1 of my most recent Form I-20A.) If I have been authorized to transfer between schools and am returning to the United States to attend the school to which transfer was authorized as shown on my Form I-20 ID copy, the name of the school I plan to attend does not need to be specified in my visa.

CHANGE TO NONIMMIGRANT STUDENT STATUS In order to change to F-1 student status from any other nonimmigrant status, I must submit Form I-20A-B, Form I-508, Application for Change of Nonimmigrant Status, a Form I-20 ID copy with the spaces regarding my name, date of birth and country of citizenship completed, my Form I-94, Arrival-Departure Record (WITHOUT MY PASSPORT) and evidence of my ability to support myself to the Immigration and Naturalization Service.

PENALTY If I do not register at the school named in my Form I-20 or if I stop attending school, or take less than a full course of study, or accept unauthorized employment, I fail to maintain my status and may be deported from the United States.

I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study, by: (State source and amount of support—Documentary evidence of means of actual support must be attached to this form).

Student Certification

I AUTHORIZE the named school, and any school to which I transfer, to release any information from my records which is needed to determine if I am maintaining the lawful status in which I was admitted to the United States. I further authorize the school to report to the Immigration and Naturalization Service if I fail to register within 60 days of the time expected, to carry a full course of study, or to attend classes to the extent required, or if I become employed and/or terminate attendance at the school. The school is authorized to provide the Service with my name, country of birth, current address, and any other directory information on a regular basis or upon request.

I CERTIFY that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form.

I AGREE to comply with the above terms and with any other conditions of my admission, and those of any extension of stay.

Signature of Student	Name of Student (printed or typed)	Address(City)	(State or Province)	(Country)	(Date)
Current U.S. Address					
Number and street (Apt. No.)			City	State	Zip Code
Signature of Parent or Guardian if Student is under 18 years of age	Name of Parent or Guardian (printed or typed)	(Relationship)	Address(City)	(State or Province)	(Country) (Date)

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY)

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)			
FIRST (GIVEN) NAME (do not enter middle name)			
DATE OF BIRTH		COUNTRY OF CITIZENSHIP	
DAY	MO	YR	COUNTRY OF BIRTH

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

For Immigration Official	
☐ REINSTATED. EXTENSION GRANTED TO	
Visa Issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

1. This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):

School name (School/School District) _____
Approval granted on (date) _____ School file number (including 3-digit suffix) _____ 214F _____

2. This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.
b. ☐ Continued attendance at this school after a temporary absence from the United States.
c. ☐ Transfer.
d. ☐ Use by spouse and/or children in acquiring nonimmigrant M-2 classification.
e. ☐ Other (specify): _____

3. The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of _____
The student is expected to report to the school not later than (date) _____ and complete studies not later than (date) _____.
The normal length of the course of study is _____.

4. Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ High school
b. ☐ Other vocational

5. a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: _____
b. Proficiency in the English language is not ☐ required. Explain why not: _____

6. This school estimates the student's average costs for an academic term of _____ months (up to 12 months) to be the following:

- a. Tuition and fees \$ _____
b. Living expenses \$ _____
c. Expenses of dependent(s) \$ _____
d. Other (specify) \$ _____ TOTAL \$ _____

7. This school has information showing the following as the student's means of support, estimated for an academic term of _____ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ _____
b. Family funds from abroad: \$ _____
c. Funds from this school
(Specify type): \$ _____
d. Funds from another source
(Specify type/source): \$ _____ TOTAL \$ _____

8. Remarks (complete as appropriate): _____

I certify under penalty of perjury that all information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form; the school has determined that the above-named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(m)(9); I am a designated official of the above-named school and I am authorized to issue this form.

Signature of Designated
School Official

Name of School
Official (printed
or typed)

Title

Date issued

Place issued
(City and
State)

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY)

Form I-20, M-1 (5-1-83)

Authority for collecting the information on this and related student forms is contained in 8 U.S.C. 1101 and 1184. The information solicited will be used by the Department of State and the Immigration and Naturalization Service to determine eligibility for the benefits requested.

The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document, in the submission of this form.

Fill in ONLY the bottom of page 2 and the bottom of page 7 of this form. Remove and keep pages 3, 4, and 7.

PLEASE READ CAREFULLY, AND BE SURE THAT YOU UNDERSTAND THE FOLLOWING BEFORE SIGNING BELOW.

FORM I-20 ID COPY The first time I enter the United States, I must present a Form I-20 ID copy with this form. I must complete on the Form I-20 ID copy the spaces regarding my name, date of birth, and country of citizenship. It will be returned to me endorsed with my admission number. I must have my Form I-20 ID copy with me at all times. I must not surrender it when I leave the United States. Failure to have it with me if I apply to reenter the United States will delay my entry into the United States. If I lose my Form I-20 ID copy, I must request a new one on Form I-102, from the Immigration and Naturalization Service office having jurisdiction over the school I was last authorized to attend. My admission number must be included in my request. I understand that the school I was last authorized to attend is required to keep a record of my admission number until the school reports to the Immigration and Naturalization Service that I am no longer attending that school.

ADMISSION I must give this form (I-20M and I-20N) to the American consular officer at the time I apply for a visa (unless I am exempt from visa requirements), and to the immigration officer with evidence of my ability to support myself while pursuing a full course of study when I arrive in the United States. If I am exempt from visa requirements, and am applying for admission to the United States as an M-1 student, I must give the immigration officer this form and evidence of my ability to support myself while pursuing a full course of study.

SCHOOL If I am applying for entry to the United States for the first time after being issued an M-1 visa, I will not be admitted unless I plan to attend the school specified in that visa. If, before I depart for the United States, I decide to attend another school, I will present an I-20M-N from that school to the issuing consular officer to have that school specified in my visa.

EMPLOYMENT I am not permitted to work except for practical training or to engage in business. I may apply for permission to work for practical training (on Form I-538 accompanied by my Form I-20 ID copy). My alien spouse or child (M-2 classification) may not work in the United States.

PERIOD OF STAY I am permitted to remain in the United States only while maintaining nonimmigrant student status. I must also maintain a passport which is valid for a period of no less than 6 months, unless I am exempt from passport requirements. I may not stay longer than authorized on my Form I-20 ID copy unless I apply to the Immigration and Naturalization Service (on Form I-538 accompanied by my Form I-20 ID copy) for an extension. To get an extension, I must apply between 15 and 60 days before the date that my authorized stay expires. I may stay while the application is being processed and if it is approved, until the expiration of the extension.

NOTICE OF ADDRESS If I move, I must submit a notice within 10 days of my change of address to the Immigration and Naturalization Service. (The form to be used to make the report is available at any United States Immigration and Naturalization Service office.)

ARRIVAL/DEPARTURE When I depart from the United States, I must give my "Arrival/Departure Record" (Form I-94) to a representative of the steamship or airline if I leave via a seaport or airport, to a Canadian immigration officer if I leave across the Canadian border, or to a United States immigration officer if I leave across the Mexican border. However, I may keep my I-94 for reentering the United States from Mexico or Canada, if I return to the U.S. within 30 days.

SCHOOL TRANSFER I understand that I will not be granted permission to transfer to another school after six months from the date I first become an M-1 student unless I am unable to remain at the school to which I am first admitted due to circumstances beyond my control. If I want to transfer to another school, I must apply on Form I-538 accompanied by a Form I-20 ID copy. The application must be submitted to the Immigration and Naturalization Service office having jurisdiction over the school from which I wish to transfer. Sixty days after filing my application, I may transfer to the new school subject to approval or denial of my application. My application will be denied, however, if I have not been taking a full course of study at the school I was last authorized to attend.

EDUCATIONAL OBJECTIVE I understand that I am not permitted to change my educational objective.

REENTRY If I want to reenter the United States as a nonimmigrant student after a temporary absence, I must be in possession of the following: (1) a valid student visa, unless I am exempt from visa requirements; (2) a passport valid for at least 6 months beyond the period of readmission; (3) a valid Form I-20 ID copy; and (4) a current copy of Form I-20M and I-20N with evidence of my ability to support myself while pursuing a full course of study. (Only a properly endorsed page 4 of Form I-20M-N is required if I am returning from a temporary absence from the United States, to continue studies at the school which I was last authorized to attend unless there has been a change in item 3, 4, 6, and/or 7 on page 1 of my most recent Form I-20M-N. If I have been authorized to transfer between schools and am returning to the United States to attend the school to which transfer was authorized as shown on my Form I-20 ID copy, the name of the school I plan to attend does not need to be specified in my visa.)

CHANGE TO NONIMMIGRANT STUDENT STATUS In order to change to M-1 student status from any other nonimmigrant status, I must submit Form I-20M-N, Form I-506, Application for Change of Nonimmigrant Status, a Form I-20 ID copy with the spaces regarding my name, date of birth, and country of citizenship completed, my Form I-94, Arrival/Departure Record (WITHOUT MY PASSPORT), and evidence of my ability to support myself to the Immigration and Naturalization Service.

CHANGES FROM AND TO M-1 STATUS I understand that if I am granted classification as an M-1 student, I may not change my classification to that of an F-1 student or to that of an H-1 or H-2 temporary worker if the education or training I received while an M-1 student enables me to meet the qualifications for temporary worker classification. Furthermore, I may not be granted a change of nonimmigrant classification to that of an M-1 student if I intend to pursue the course of study solely to qualify for a later change to temporary worker classification.

PENALTY If I do not register at the school named in my Form I-20 or if I stop attending school, or take less than a full course of study, or accept unauthorized employment, I fail to maintain my status and may be deported from the United States.

I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study, by: _____
(State source and amount of support—Documentary evidence of means of actual support must be attached to this form).

I AUTHORIZE the named school, and any school to which I transfer, to release any information from my records which is needed to determine if I am maintaining the lawful status in which I was admitted to the United States. I further authorize the school to report to the Immigration and Naturalization Service if I fail to register within 60 days of the time expected, to carry a full course of study, or to attend classes to the extent required, or if I become employed and/or terminate attendance at the school. The school is authorized to provide the Service with my name, country of birth, current address, and any other directory information on a regular basis or upon request.

I CERTIFY that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form.

I AGREE to comply with the above terms and with any other conditions of my admission, and those of any extension of stay.

Signature of Student	Name of Student (printed or typed)	Address (City)	(State or Province)	(Country)	(Date)
Current U.S. Address		City	State	Zip Code	
Number and street (Apt. No.)		Address (City)	(State or Province)	(Country)	(Date)
Signature of Parent or Guardian if Student is under 18 years of age	Name of Parent or Guardian (printed or typed)	(Relationship)	Address (City)	(State or Province)	(Country)
					MICROFILM INDEX NUMBER (FOR OFFICIAL USE ONLY)

Certificate of Eligibility for Nonimmigrant (M-1)
Student Status-For Vocational Students

OMB No.1115-0051
Expires 4-30-86
PAGE 3

This page must be completed and signed in the U.S. by a designated school official.

FAMILY NAME (SURNAME)		
FIRST (GIVEN) NAME (do not enter middle name)		
DATE OF BIRTH		COUNTRY OF CITIZENSHIP
DAY	MO. YR.	
		COUNTRY OF BIRTH

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

For Immigration Official	
☐ REINSTATED - EXTENSION GRANTED TO	
Visa issuing Post	DATE VISA ISSUED
NUMBER OF VISA	
ADMISSION NUMBER (Complete if known)	

1 This school is approved by the Immigration and Naturalization Service for attendance by nonimmigrant students (fill out all blanks):

School name (School/School District) _____

Approval granted on (date) _____ School file number (including 3-digit suffix) _____ 214F _____

2 This certificate is issued to the student named above for (check and fill out as appropriate):

- a. ☐ Initial attendance at this school.
b. ☐ Continued attendance at this school after a temporary absence from the United States.
c. ☐ Transfer.
d. ☐ Use by spouse and/or children in acquiring nonimmigrant M-2 classification.
e. ☐ Other (specify): _____

3 The student named above has been accepted for a full course of study at this institution (complete each of the following):

Majoring in the field of _____
The student is expected to report to the school not later than (date) _____ and complete studies not later than (date) _____
The normal length of the course of study is _____

4 Level of education of course of study student is pursuing or will pursue in the United States (Check only one):

- a. ☐ High school
b. ☐ Other vocational

5 a. Proficiency in the English language ☐ is required.

1. ☐ The school has determined that the student has the required proficiency.
2. ☐ If the student is not yet proficient, he or she will be given instruction at the school consisting of: _____
b. Proficiency in the English language is not ☐ required. Explain why not: _____

6 This school estimates the student's average costs for an academic term of _____ months (up to 12 months) to be the following:

- a. Tuition and fees \$ _____
b. Living expenses \$ _____
c. Expenses of dependent(s) \$ _____
d. Other (specify) \$ _____ TOTAL \$ _____

7 This school has information showing the following as the student's means of support, estimated for an academic term of _____ months up to 12 months (must be the same number of months given in item #6):

- a. Personal funds of the student: \$ _____
b. Family funds from abroad: \$ _____
c. Funds from this school
(Specify type): \$ _____
d. Funds from another source
(Specify type/source): \$ _____ TOTAL \$ _____

8 Remarks (complete as appropriate): _____

I certify under penalty of perjury that:
All information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of this school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form; the school has determined that the above-named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(m)(8); I am a designated official of the above-named school and I am authorized to issue this form.

Signature of Designated
School Official

Name of School
Official (printed
or typed)

Title

Date issued

Place issued
(City and
State)

MICROFILM INDEX
NUMBER
(FOR OFFICIAL
USE ONLY)

THE FOLLOWING CERTIFICATIONS ARE NOT VALID FOR MORE THAN SIX MONTHS. THIS PAGE, WHEN PROPERLY ENDORSED, MAY BE USED FOR ENTRY OF THE SPOUSE AND CHILDREN OF AN M-1 STUDENT FOLLOWING TO JOIN THE STUDENT IN THE UNITED STATES OR FOR REENTRY OF THE STUDENT TO ATTEND THE SAME SCHOOL AFTER A TEMPORARY ABSENCE FROM THE UNITED STATES. (PLEASE READ INSTRUCTIONS ON PAGE 6)

(For entry of spouse and children)

I certify under penalty of perjury that there has been no change in items 6 or 7 on Page 1 of this form (Form I-20M) and that the information on page 3 is identical to the information on page 1.

The date of expiration of the student's authorized stay
is _____

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
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The date of expiration of the student's authorized stay
is _____

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
--	--	-------	------

(For reentry of student)

I certify under penalty of perjury that there has been no change in items 3,4,6, or 7 on Page 1 of this form (Form I-20M) and that the information on page 3 is identical to the information on page 1.

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
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Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
--	--	-------	------

Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
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Signature of Designated School Official	Name of School Official (printed or typed)	Title	Date
--	--	-------	------

FAMILY NAME (SURNAME)		
FIRST (GIVEN) NAME (do not enter middle name)		
DATE OF BIRTH		COUNTRY OF CITIZENSHIP
DAY	MO.	YR.
COUNTRY OF BIRTH		

School Name
School Official to be notified of student's arrival in U.S. (Name and Title)
School Address (Include Zip Code)

For Immigration Official
☐ Student admitted to the United States.
☐ School transfer authorized.
☐ Student reinstated to student status.
☐ Alien granted a change of nonimmigrant classification to that of a student.
ADMISSION NUMBER

NOTICE TO THE SCHOOL

The above-named person was admitted to, or authorized to remain in, the United States, for a temporary period as a nonimmigrant student. This action was taken based on verification from your school that the person has been accepted at your school as a full-time student. You must comply with requests for information concerning the person's immigration status. If you fail to submit any requested reports or information, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

A student who, on the basis of the recommendation of your school, has been authorized to accept employment for practical training in a field related to his/her course of study is considered to be in attendance at your school during the authorized period of that employment. Therefore, you are also responsible for complying with requests for information concerning the immigration status of such a student.

INSTRUCTIONS TO THE SCHOOL

The law provides severe criminal penalties for you and your school for failure to comply with the regulations and instructions governing issuance of this form.

Failure to comply with 8 CFR 214.3(k) may subject you and your school to criminal prosecution.

If you issue this form improperly, provide false information, or fail to submit required reports, the Immigration and Naturalization Service may withdraw its approval of your school for attendance by nonimmigrant students.

IT IS YOUR RESPONSIBILITY:

- A. To complete Page 1 (Form I-20M) for any alien you have accepted for a full course of study in your school, if that person
 1. Intends to apply for admission to the United States as a nonimmigrant under Section 101 (a) (15) (M) (i) of the Immigration and Nationality Act (M-1 classification);
 2. Is in the United States as an M-1 nonimmigrant and has applied for a transfer to your school; or
 3. Is in the United States and will apply to change his/her nonimmigrant classification to M-1.
- B. To endorse Page 4 of this form for any alien you have accepted for a full course of study in your school if that person:
 1. Is in the United States in M-1 classification and is departing temporarily from the United States, and there has been no change in the information in items 3,4,6, and/or 7 on Page 1 (Form I-20M). If there has been a change in items 3,4,6, and/or 7 on Page 1, a new Form I-20M-N must be issued for reentry after a temporary absence.
 2. Has a spouse or children who wish to join the student in the United States and acquire nonimmigrant (M-2) classification, and there has been no change in the information in items 6 and/or 7 on Page 1. If there has been a change in items 6 and/or 7 on Page 1, a new Form I-20M-N must be issued (THE ENDORSEMENT ON PAGE 4 IS NOT VALID FOR MORE THAN SIX MONTHS).
- C. To establish that any student to whom you issue this form:
 1. Is able to pay all expenses incurred (and those of any dependents with the student) while in the United States.
 2. Meets all requirements for admission to your school. If you want assistance in determining the student's proficiency in English, contact the Cultural Affairs Officer at the Embassy of the student's country.
- D. To be sure each Page 1 (Form I-20M) is signed and issued in the United States by a designated school official of your school as defined in 8CFR 214.3(l)(1). A designated school official who may be authorized by the school to issue this form must be a regularly employed member of the school administration, whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. A school official who may be authorized to issue this form does not include individuals whose principal obligation to the school is to recruit foreign students for compensation.
- E. To remove the carbon sheet and mail or deliver directly to the student all pages of this form.
- F. To endorse page 4 of this form at least every six months if the student requests it or mail or deliver directly to the student a new Form I-20M-N for dependents to use in acquiring M-2 nonimmigrant status.
- G. To endorse page 4 of this form at least every six months if the student requests it or mail or deliver directly to the student a new Form I-20M-N when the student is leaving the United States for a temporary absence, if the student will be enrolled in your school immediately after reentry.
- H. To retain all evidence which shows the scholastic ability and financial status on which admission was based, as long as the student is attending your school.
- I. To comply with requests from the Immigration and Naturalization Service for information concerning the student's immigration status.

Authority for collecting the information on this and related student forms is contained in 8 U.S.C. 1101 and 1184. The information solicited will be used by the Department of State and the Immigration and Naturalization Service to determine eligibility for the benefits requested.

The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact, or using any false document, in the submission of this form.
Fill in ONLY the bottom of page 2 and the bottom of page 7 of this form. Remove and keep pages 3, 4, and 7.

PLEASE READ CAREFULLY, AND BE SURE THAT YOU UNDERSTAND THE FOLLOWING BEFORE SIGNING BELOW.

STUDENT

FORM I-20 ID COPY The first time I enter the United States, I must present a Form I-20 ID copy with this form. I must complete on the Form I-20 ID copy the spaces regarding my name, date of birth, and country of citizenship. It will be returned to me endorsed with my admission number. I must have my Form I-20 ID copy with me at all times. I must not surrender it when I leave the United States. Failure to have it with me if I apply to reenter the United States will delay my entry into the United States. If I lose my Form I-20 ID copy, I must request a new one, on Form I-102, from the Immigration and Naturalization Service office having jurisdiction over the school I was last authorized to attend. My admission number must be included in my request. I understand that the school I was last authorized to attend is required to keep a record of my admission number until the school reports to the Immigration and Naturalization Service that I am no longer attending that school.

ADMISSION I must give this form (I-20M and I-20N) to the American consular officer at the time I apply for a visa (unless I am exempt from visa requirements), and to the immigration officer with evidence of my ability to support myself while pursuing a full course of study when I arrive in the United States. If I am exempt from visa requirements, and am applying for admission to the United States as an M-1 student, I must give the immigration officer this form and evidence of my ability to support myself while pursuing a full course of study.

SCHOOL If I am applying for entry to the United States for the first time after being issued an M-1 visa, I will not be admitted unless I plan to attend the school specified in that visa. If, before I depart for the United States, I decide to attend another school, I will present an I-20M-N from that school to the issuing consular officer to have that school specified in my visa.

EMPLOYMENT I am not permitted to work except for practical training or to engage in business. I may apply for permission to work for practical training on Form I-538 accompanied by my Form I-20 ID copy. My alien spouse or child (M-2 classification) may not work in the United States.

PERIOD OF STAY I am permitted to remain in the United States only while maintaining nonimmigrant student status. I must also maintain a passport which is valid for a period of no less than 6 months, unless I am exempt from passport requirements. I may not stay longer than authorized on my Form I-20 ID copy unless I apply to the Immigration and Naturalization Service on Form I-538 accompanied by my Form I-20 ID copy for an extension. To get an extension, I must apply between 15 and 60 days before the date that my authorized stay expires. I may stay while the application is being processed and if it is approved, until the expiration of the extension.

NOTICE OF ADDRESS If I move, I must submit a notice within 10 days of my change of address to the Immigration and Naturalization Service. (The form to be used to make the report is available at any United States Immigration and Naturalization Service office.)

ARRIVAL/DEPARTURE When I depart from the United States, I must give my "Arrival-Departure Record" (Form I-94) to a representative of the steamship, airline, or train. If I leave via a seaport or airport, to a Canadian immigration officer; if I leave across the Canadian border, to a United States immigration officer; if I leave across the Mexican border, however, I may keep my I-94 for reentering the United States from Mexico or Canada, if I return to the U.S. within 30 days.

SCHOOL TRANSFER I understand that I will not be granted permission to transfer to another school after six months from the date I first become an M-1 student unless I am unable to remain at the school to which I am first admitted due to circumstances beyond my control. If I want to transfer to another school, I must apply on Form I-538 accompanied by a Form I-20 ID copy. The application must be submitted to the Immigration and Naturalization Service office having jurisdiction over the school from which I wish to transfer. Sixty days after filing my application, I may transfer to the new school subject to approval or denial of my application. My application will be denied, however, if I have not been taking a full course of study at the school I was last authorized to attend.

EDUCATIONAL OBJECTIVE I understand that I am not permitted to change my educational objective.

REENTRY If I want to reenter the United States as a nonimmigrant student after a temporary absence, I must be in possession of the following: (1) a valid student visa, unless I am exempt from visa requirements; (2) a passport valid for at least 6 months beyond the period of readmission, unless I am exempt from passport requirements; (3) my Form I-20 ID copy; and (4) a current copy of Form I-20M and I-20N with evidence of my ability to support myself while pursuing a full course of study. (Only a properly endorsed page 4 of Form I-20M-N is required if I am returning from a temporary absence from the United States, to continue studies at the school which I was last authorized to attend unless there has been a change in item 3, 4, 6, and/or 7 on page 1 of my most recent Form I-20M-N.) If I have been authorized to transfer between schools and am returning to the United States to attend the school to which transfer was authorized as shown on my Form I-20 ID copy, the name of the school I plan to attend does not need to be specified in my visa.

CHANGE TO NONIMMIGRANT STUDENT STATUS In order to change to M-1 student status from any other nonimmigrant status, I must submit Form I-20M-N, Form I-506, Application for Change of Nonimmigrant Status, a Form I-20 ID copy with the spaces regarding my name, date of birth and country of citizenship completed, my Form I-94, Arrival-Departure Record (WITHOUT MY PASSPORT), and evidence of my ability to support myself to the Immigration and Naturalization Service.

CHANGES FROM AND TO M-1 STATUS I understand that if I am granted classification as an M-1 student, I may not change my classification to that of an F-1 student or to that of an H-1 or H-2 temporary worker if the education or training I received while an M-1 student enables me to meet the qualifications for temporary worker classification. Furthermore, I may not be granted a change of nonimmigrant classification to that of an M-1 student if I intend to pursue the course of study solely to qualify for a later change to temporary worker classification.

PENALTY If I do not register at the school named in my Form I-20 or if I stop attending school, or take less than a full course of study, or accept unauthorized employment, I fail to maintain my status and may be deported from the United States.

I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study, by: (State source and amount of support—Documentary evidence of means of actual support must be attached to this form).

Student Certification

I AUTHORIZE the named school, and any school to which I transfer, to release any information from my records which is needed to determine if I am maintaining the lawful status in which I was admitted to the United States; I further authorize the school to report to the Immigration and Naturalization Service if I fail to register within 60 days of the time expected, to carry a full course of study, or to attend classes to the extent required, or if I become employed and/or terminate attendance at the school. The school is authorized to provide the Service with my name, country of birth, current address, and any other directory information on a regular basis or upon request.

I CERTIFY that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form.

I AGREE to comply with the above terms and with any other conditions of my admission, and those of any extension of stay.

Signature of Student	Name of Student (printed or typed)	Address/City	(State or Province)	(Country)	(Date)
Current U.S. Address:					
Number and street (Apt. No.)		City	State	Zip Code	
Signature of Parent or Guardian if Student is under 18 years of age	Name of Parent or Guardian (printed or typed)	(Relationship)	Address/City	(State or Province)	(Country) (Date)
					MICROFILM INDEX NUMBER (FOR OFFICIAL USE ONLY)

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Petition for Approval of School for
Attendance by Nonimmigrant Students

INSTRUCTIONS - (Please tear off this page before submitting petition.)

1. Filing of Petition. This petition (Form I-17) must be submitted in duplicate or with legible photocopies of pages 1, 2, and 3 to the district director or officer-in-charge of the Immigration and Naturalization Service office having administrative jurisdiction over the place in which the school or school system is located. One petition may be filed for an entire school system if all schools in the system are located in the same immigration district. Separate petitions are required for school-system schools located within the jurisdiction of different district directors. If the petition is for a school system, attach a Form I-17B listing those schools and campuses included in this petition. If a previously approved school system wishes approval for schools or campuses not listed on its original Form I-17B or wishes to delete schools or campuses that are, or to correct or update information on its original I-17B, it must submit a new Form I-17, without fee, accompanied by Form I-17B and, if applicable, Form I-17A, Designated School Officials. If a previously approved school that was not a school system becomes a school system and wishes approval for additional school(s) or campus(es), it must submit a new Form I-17, without fee, accompanied by Form I-17B, and, if applicable, Form I-17A.

2. Payment of Fee. A fee of fifty dollars (\$50) must be paid for filing this petition. It cannot be refunded regardless of the action taken on the petition. **DO NOT MAIL CASH.** ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If petitioner resides in Guam, check or money order must be payable to the "Treasurer, Guam." If petitioner resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other petitioners must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the petitioner, the name of the petitioner must be entered on the face of the check. If petition is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the petition and any document issued pursuant to it invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. A fee is not required if the petitioner is a school or school system owned or operated as a public educational institution or system by the United States or a state or a political subdivision of it. Also, a fee is not required if the petition is for continuation of approval previously granted by the Immigration and Naturalization Service. (See Instruction No. 9.)

3. Execution of Petition. This form must be executed by the principal officer of the school authorized to execute contracts. A petition in behalf of a public school must be made by the School Board and signed by its president or chairman. In the case of a petition in behalf of a public school, only questions 1 through 7, 9, 11, 12, and 14 must be completed.

4. Supporting Documents

(a) **General.** Except in the case of a petition by a school within category (a), (b), or (c) of paragraph No. 5 below, a school catalog, if one is issued, must be submitted. If not included in the catalog or if a catalog is not issued, the school must furnish a written statement containing information concerning: (1) the size of its physical plant; (2) the nature of its facilities for study and training; (3) the educational, vocational, or professional qualifications of the teaching staff; (4) the salaries of teachers; (5) attendance and scholastic grading policy; (6) the amount and character of supervisory and consultative services available to students and trainees; and (7) finances (including certified copy of accountant's last statement or school's net worth, income and expenses). Unless the petitioner is within categories (i) or (ii) of paragraph (4) (b) below, it must submit a certification by the appropriate licensing, approving, or accrediting official that it is licensed, approved, or accredited. In lieu of such a certification, a school which is recognized by a state ap-

proving agency as an "educational institution" for study by veterans under the provisions of P. L. 550 (82nd Congress) may submit a statement of recognition signed by the appropriate official of the state approving agency. A charter is not considered a license, approval, or accreditation.

(b) Additional Documents Required -

- (i) School or school system owned or operated as a public educational institution by the United States or a state or political subdivision of it - must submit a certification to that effect signed by the appropriate public official.
- (ii) Private or parochial elementary or secondary school or school system - must submit a certification signed by the appropriate public official that it meets the requirements of the state or local educational system.
- (iii) Institution of higher education not included within category (a) or (b) of paragraph No. 5 - must submit evidence that it confers upon its graduates recognized bachelor's, master's, doctor's, professional, or divinity degrees, or if it does not confer these degrees, that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (a) or (b). If unable to submit evidence of the unconditional acceptance of its credits, the petitioner may submit a statement that the petitioner is recognized as a "correspondent" or "candidate for accreditation" from a nationally recognized regional association which has jurisdiction over accreditation of institutions of higher education in the geographical area where the petitioner is located.
- (iv) Elementary or secondary school not included within category (a) or (c) of paragraph No. 5 - must submit evidence that it qualifies graduates for acceptance by schools of higher educational level within category (a), (b), or (c) of paragraph No. 5.
- (v) Vocational school, business school, language school, or American institution of research recognized as such by the Attorney General - must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective and are not avocational or recreational in character.

5. Consultation by the Immigration and Naturalization Service with the Department of Education. Before a decision is made on the petition, the district director will consult the Department of Education by transmitting to that department the petition, supporting documents, and any report of interviews or other inquiry conducted by the Service, with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel and finances to instruct in recognized courses. Since the Department of Education has advised that each of the following is so considered, however, consultation with that department is not required if the school is within one of the following categories:

- (a) Any school or school system owned or operated as a public educational institution by the United States or a state or political subdivision of it;
- (b) Any school listed in the current Department of Education publication "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities";
- (c) Any secondary school operated by or as part of an institution of higher learning listed in the current Department of Education publication, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities".

6. Interview of Petitioner. An authorized representative of the petitioner will be requested to appear in person before an immigration officer prior to adjudication of the petition, to be interviewed under oath concerning eligibility of the school for approval. If the school is within category (a), (b), or (c) of paragraph No. 5, the interview may be waived.

Instructions Continued On Reverse

7. Eligibility for Approval: To be eligible for approval, the petitioner must establish that it is a bona fide school, that it is an established institution of learning or other recognized place of study, that it possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses, and that it is, in fact, engaged in instruction of students in these courses.

8. Notification of Approval of Petition: Upon approval of petition, the petitioner will be notified of the action taken.

9. Review of School Approval: Each district director of the Immigration and Naturalization Service is required to review the approval accorded to schools in his or her district from time to time. The review is made to determine whether the school has complied with the reporting requirements concerning students and continues to be eligible for approval. Each school whose approval is reviewed may be required to furnish a currently executed Form I-17 (this form) as a petition for continuation of approval without fee, together with the supporting documents specified in the form. The review may include an interview of the school's authorized representative and consultation with the Department of Education. If upon completion of the review, the district director finds that the school's approval should not be continued, he or she shall institute proceedings to withdraw its approval.

10. Designated Official: A "designated official" or "designated school official," as defined in 8 CFR 214.3(i)(1), means a regularly employed mem-

ber of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. An individual whose principal obligation to the school is to recruit foreign students for compensation does not qualify as a designated official. The president, owner, or head of a school or school system must designate a designated official. The designated official may not delegate this designation to any other person. No school or institution may have more than five designated officials at any one time except that in a multi-campus institution, no campus may have more than five designated officials at any one time. In an elementary or secondary school system, however, the entire school system is limited to five designated officials at any one time. Form(s) I-17A listing up to five designated school official(s) for each school or campus within a school system (except an elementary or secondary school system) must be attached to this form, but it is not necessary for each school or campus to have its own designated officials. If there is a change in designated officials, a new Form I-17A must be submitted to the Immigration and Naturalization Service office having jurisdiction over the school within thirty days. A designated official may sign certain forms relating to and has other responsibilities with respect to F-1 and/or M-1 students.

11. Change in School Term or School Classification Code: If a previously approved school has changed its school term or wishes to change its school classification code (F or M or both), it must submit a new Form I-17, without fee, and, if applicable, Form I-17A and/or I-17B.

INS USE ONLY School Code _____ 214F _____ Approval for attendance of students under: 1. ☐ Section 101(a)(15)(F) of the Act. 2. ☐ Section 101(a)(15)(M) of the Act. 3. ☐ Both of the above sections of the Act. This request is to: 1. ☐ Create a file. 2. ☐ Update a file.	Fee Stamp Date of Approval DD _____ District _____
This section is to be COMPLETED BY THE SCHOOL - DO NOT WRITE ABOVE THIS LINE - (Please read instructions before filling in form.) If you need more space to answer fully any items on this form, use a separate sheet; identify each answer with the letter and number of the corresponding item, and sign and date each sheet. PRESS FIRMLY - LEGIBLE COPY REQUIRED TO THE IMMIGRATION AND NATURALIZATION SERVICE: 1. Petition is made for approval, or continuation of approval, of this institution as a school for attendance by nonimmigrant alien students under (complete as appropriate): a. ☐ Section 101(a)(15)(F) of the Act (academic and language students), b. ☐ Section 101(a)(15)(M) of the Act (vocational students), c. ☐ Both of the above sections of the Act, and the following statement of fact is submitted: 2. Name of school _____ 3. Mailing address of school _____ 4. This school is a: a. ☐ Public Institution (Leave No. 10 blank. Please note that no fee is required. See instruction No. 2) b. ☐ Private Institution (Complete No. 10). 5. This school is engaged in: (Check appropriate blocks and explain further if necessary). a. ☐ Primary Education b. ☐ High School Education (Academic or Vocational) c. ☐ Vocational or Technical Education (Other than High School) d. ☐ Language Training e. ☐ Higher Education (issuing one or more of the following degrees: Associate, Bachelor's, Master's, PhD) f. ☐ Other (identify) _____ 6. This school's sessions are based on: a. ☐ Semesters b. ☐ Trimesters c. ☐ Quarters d. ☐ Other (explain) _____ 7. Provide the date (month and day) registration begins for EACH session during a calendar year, including the summer session if your school has one. If there is no beginning registration date, please explain. If there are more than five sessions in your school, do NOT enter any information in this space, but list all beginning registration dates on a piece of paper attached to this form. a. _____ b. _____ c. _____ d. _____ e. _____	

RECEIVED	TRANS IN	RET'D-TRANS OUT	COMPLETED

8. Date school was established _____	
9. Location of school (if different from mailing address) _____	
10. Name and address of owner _____	
11. a. ☐ Petition is for initial approval. (See instruction No. 2)	
b. ☐ Petition is for continuation of approval (See instructions No. 2 and 9). If for continuation, complete the following:	
(i) Date of original approval _____	
(ii) INS File Number _____	
12. The school operates under the following Federal, state, local, or other authorization (If none, write "none"): _____	
13. The school has been approved by the following national, regional, or state accrediting association or agency (If none, write "none"): _____	
14. Nature of subject matter taught (check as many as are appropriate):	
a. ☐ Liberal Arts	d. ☐ Religion
b. ☐ Fine Arts	e. ☐ Professional Studies
c. ☐ Language	f. ☐ Vocational or Technical Training
g. ☐ Other (Explain) _____	
15. List the degrees available from your school. _____	
16. Check as appropriate and explain further if necessary:	
If the school is engaged in elementary or secondary education, it ☐ does ☐ does not qualify its graduates for acceptance by accredited schools of higher educational level. _____	
If the school is engaged in higher education, it ☐ does ☐ does not confer recognized bachelor's, master's, doctor's, professional, or divinity degrees. Its credits ☐ are ☐ are not recognized by and transferable to institutions of study which confer degrees. _____	
If the school is engaged in vocational or technical education, it ☐ does ☐ does not qualify its graduates for employment in the occupations for which preparation is offered. _____	
17. Sessions are held as follows:	
a. ☐ Day Only	b. ☐ Night Only
c. ☐ Day and Night	
18. Requirements for admission: _____	
19. Courses of study and time necessary to complete each: _____	
20. Requirements for graduation: _____	
21. Causes for expulsion: _____	
22. Average annual number of	
a. Classes _____	c. Teachers or Instructors _____
b. Students _____	d. Non-teaching employees _____
23. Approximate annual total cost of room, board, tuition, etc., per student \$ _____	

Please continue on Page 3

If the school is approved, THE PETITIONER AGREES:

1. Upon acceptance of any nonimmigrant alien student, to furnish that student a Certificate of Eligibility (Immigration and Naturalization Service Form I-20A/B for an F-1 student or Form I-20M/N for an M-1 student).

2. To keep records containing the following specific information and documents relating to each nonimmigrant F-1 or M-1 student to whom the school issues a Form I-20A/B or I-20M/N, while the student is attending the school and until the school notifies the Service, in accordance with Immigration and Naturalization Service regulations, that the student is no longer pursuing a full course of study. The school must keep a record of having complied with the reporting requirements for at least one year. If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status. The designated school official must make the following information and documents available to or furnish them to the Immigration and Naturalization Service upon request. The information and documents which the school must keep on each student are as follows:

1. The admission number from the student's Form I-20 ID copy.
2. Country of citizenship.
3. Address and telephone number in the United States.
4. Status, i.e., full-time or part-time.
5. Course load.
6. Date of commencement of studies.
7. Degree program and field of study.
8. Expected date of completion.
9. Nonimmigrant classification.
10. Termination date and reason, if known.
11. The documents which show the scholastic ability and financial status on which the student's admission to the school was based.
12. Information specified by the Service as necessary to identify the student, such as date and place of birth, and to determine the student's immigration status.

3. That in any advertisement, catalog, brochure, pamphlet, literature, or other material printed or reprinted by or for this school, any statement which may appear in that material concerning approval for attendance by nonimmigrant students must be limited solely to the following:

"This school is authorized under Federal law to enroll nonimmigrant alien students."

I CERTIFY that I am authorized to execute this petition. I understand that unless this institution fully complies with all terms as described on this form, approval may be withdrawn.

Dated at _____, this _____ day of _____, 19 ____.

Signature _____

Title _____

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Designated School Officials

Approved OMB 1115-0070
Expires 04/30/86

INSTRUCTIONS -

A "designated official" or "designated school official", as defined in 8CFR214.3(d)(1), means a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. An individual whose principal obligation to the school is to recruit foreign students for compensation DOES NOT QUALIFY as a designated official. The designated official MAY NOT delegate this authority to any other person. No school or institution may have more than five designated officials at any one time. (In a multi-campus institution, each campus may have as many as five designated officials. In an elementary or secondary school system, however, the entire school system is limited to five designated officials.)

Form(s) I-17A (this form) listing up to five designated officials for each school or campus within a school system (except an elementary or secondary school system) must be attached to each Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Students, but it is not necessary for each school or campus to have its own designated officials. If there is a change in designated officials, a new Form I-17A must be submitted to the Immigration and Naturalization Service office having jurisdiction over the school within thirty days. Only the new designated official(s) need to be listed when there is a change in designated officials.

A designated official may sign certain forms relating to and has other responsibilities with respect to F-1 and/or M-1 students.

I, THE UNDERSIGNED, have read the Immigration and Naturalization Service's regulations relating to nonimmigrant students, namely 8 CFR 214.1(b), 8 CFR 214.2(f), and 8 CFR 214.2(m); the Service's regulations relating to change of nonimmigrant classification for students, namely 8 CFR 248.1(c), 8 CFR 248.1(d), 8 CFR 248.3(b), and 8 CFR 248.3(d); the Service's regulations relating to school approval, namely 8 CFR 214.3; and the Service's regulations relating to withdrawal of school approval, namely 8 CFR 214.4. I intend to comply with these regulations. (Press Firmly - Legible Copy Required)

Designated Official Number 1 LAST NAME, FIRST NAME (Print or Type)	Title (Print or Type)	Signature	☐ Initial designation ☐ Replacement for previous designated official number 1
Telephone number			
Designated Official Number 2 LAST NAME, FIRST NAME (Print or Type)	Title (Print or Type)	Signature	☐ Initial designation ☐ Replacement for previous designated official number 2
Telephone number			
Designated Official Number 3 LAST NAME, FIRST NAME (Print or Type)	Title (Print or Type)	Signature	☐ Initial designation ☐ Replacement for previous designated official number 3
Telephone number			
Designated Official Number 4 LAST NAME, FIRST NAME (Print or Type)	Title (Print or Type)	Signature	☐ Initial designation ☐ Replacement for previous designated official number 4
Telephone number			
Designated Official Number 5 LAST NAME, FIRST NAME (Print or Type)	Title (Print or Type)	Signature	☐ Initial designation ☐ Replacement for previous designated official number 5
Telephone number			

I, THE UNDERSIGNED PRESIDENT, OWNER, OR HEAD of the school or school system named below certify that the above individuals are designated officials of the school or school system.

Name (Print or Type)	Title (Print or Type)	Signature
Name of School System, School, or Campus (List all schools or campuses and their three-digit suffixes for which the above officials are designated if for more than one school or campus but not for the entire school system)	INS FILE No. if known: 214F	Date
	(Omit three-digit suffix if school system, other than an elementary or secondary school system, designating not more than five school officials for the entire system or for more than one school or campus within the system.)	

Address of School System, School, or Campus

INSTRUCTIONS - If a school system is seeking approval for a number of schools for attendance by nonimmigrant students, this form must be completed and submitted with Form I-17. Furnish all known information for each school or campus within the system. If more space is needed to list all schools, attach additional forms as necessary, and number each at the bottom. Please PRINT or TYPE all information on this form.

If an approved school system wishes to update or correct the information on its original Form I-17B, a new Form I-17 must be submitted, without fee, accompanied by Form I-17B and, if applicable, I-17A.

PRESS FIRMLY - LEGIBLE COPY REQUIRED.

Name of School System _____

INS File Number _____

Requested Action:

- a. ☐ Initial approval for the following school(s) or campus(es):
b. ☐ Addition of the following school(s) or campus(es) to the list of approved institutions within the above school system:
c. ☐ Removal of the following school(s) or campus(es) from the list of approved institutions within the above school system:
d. ☐ Change or correction in the following information relating to school(s) or campus(es) which have been approved. (Fill in only the information which is to be added to or adjusted in the INS records, and the school's three-digit suffix):

1. School or Campus Name	2. School or campus 3-digit suffix
3. Mailing Address (include ZIP Code)	4. Location (if different from mailing address)
1. School or Campus Name	2. School or campus 3-digit suffix
3. Mailing Address (include ZIP Code)	4. Location (if different from mailing address)
1. School or Campus Name	2. School or campus 3-digit suffix
3. Mailing Address (include ZIP Code)	4. Location (if different from mailing address)
1. School or Campus Name	2. School or campus 3-digit suffix
3. Mailing Address (include ZIP Code)	4. Location (if different from mailing address)
1. School or Campus Name	2. School or campus 3-digit suffix
3. Mailing Address (include ZIP Code)	4. Location (if different from mailing address)

General School Documentation Guidelines

SCHOOL TYPE	CATALOG OR EQUIVALENT	CERTIFICATION, LICENSE, APPROVAL, OR ACCREDITATION
I. Public educational institution.	no catalog necessary.	Certification that it is owned or operated as a public educational institution by the U.S. or a state or political sub-division of the U.S. signed by the appropriate public official.
II. School of higher education listed in Dept. of Education publication.*	no catalog necessary.	Same as # I above if public educational institution. -otherwise, a certification by the appropriate licensing, approving, or accrediting official that is licensed, approved, or accredited (not a charter).
III. Secondary school operated by or as a part of an institution of higher learning listed in Dept. of Education publication.*	no catalog necessary.	Same as # I above if public educational institution. -otherwise, a certification that it meets the requirements of the state or local public educational system which has been signed by the appropriate public official.
IV. School other than I, II, or III.	School catalog OR If no catalog is issued, or if information not in catalog, written statement indicating: (1) The size of the physical plant. (2) The nature of the facilities for study and training. (3) The educational, vocational, or professional qualifications of the teaching staff. (4) The salaries of teachers. (5) The attendance and scholastic grading policy. (6) The amount and character of supervisory and consultative services available to students and trainees. (7) The finances (including certified copy of accountant's last statement of school's net worth, income, and expenses)	Certification that it meets the requirements of the state or local public educational system which has been signed by the appropriate public official, if private or parochial elementary or secondary institution. -otherwise, a certification by the appropriate licensing, approving, or accrediting official that is licensed, approved, or accredited (not a charter).

CONTINUED ON REVERSE

Special Documentation for Certain School Types

Non-public institution of higher education not listed in Department of Education publication.*	Non-public elementary or secondary school not operated by or as part of institution of learning listed in Department of Education publication.*	vocational school, business school, language school, or American institution of research recognized by the Attorney General.
		Evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective and are not avocational or recreational in character.
		Same as #1
		Same as #1
Evidence that it confers upon its graduates recognized bachelor's, master's, doctor's, professional, or divinity degrees, or if it does not confer these degrees, that its credits have been and are accepted unconditionally by at least 3 institutions of higher learning which are public educational institutions or which are listed in Department of Education publication.* OR A statement that it is recognized as a "correspondent" or "candidate for accreditation" from a nationally recognized regional association which has jurisdiction over accreditation of institutions of higher education in the geographical area where it is located.	Evidence that attendance at it satisfies the compulsory attendance requirements of the state in which it is located. (See CERTIFICATION, LICENSE, APPROVAL OR ACCREDITATION) Evidence that it qualifies graduates for acceptance by schools of higher educational level which are public educational institutions, which are listed in Department of Education publication*, or which are secondary schools operated by or as part of institutions of higher learning listed in Department of Education publication*.	Same as #1

* "Accredited Postsecondary Institutions and Programs"
OR
"Education Directory, Colleges and Universities"

GPO 900-129

Your admission to the United States has been LIMITED TO 30 DAYS because you do not have the document checked below.

- ☐ The correct revision of Form I-20A-B or I-20M-N executed by the school to which you are destined.
- ☐ Form IAP-66 executed by the sponsor of the exchange program to which you are destined.

You must obtain the required form and submit it to the United States Immigration and Naturalization Service office at the location and before the date shown below. If the first box above is checked, you must complete page 2 of the Form I-20A or I-20M. If the second box above is checked, you must complete Form IAP-66. If you are a student, you must also submit your Form I-20 ID copy if you have been given such a form. If you have not been given a Form I-20 ID copy, you must submit your Form I-94 (Arrival-Departure Record). If you are an exchange visitor, you must submit your Form I-94. If you are accompanied by your spouse and children, you should also submit the Forms I-94 issued to them. (If your I-94 is attached to your passport, the permit should be removed for this purpose). DO NOT SEND IN YOUR PASSPORT.

YOU MUST ALSO COMPLETE THE BLOCK BELOW BEFORE SUBMITTING THIS FORM TO THE
IMMIGRATION AND NATURALIZATION SERVICE.

My name is: (Last) (First) (Middle)		
My Address in the U.S. will be:		My passport is valid to (Date):
The name of my accompanying spouse (if any) is:		Spouse's passport is valid to:
My accompanying children's names are:		Their passports are valid to:

THIS FORM, FULLY EXECUTED, AND REQUIRED DOCUMENTS MUST BE SUBMITTED BEFORE

_____ to the UNITED STATES IMMIGRATION AND NATURALIZATION
SERVICE OFFICE LOCATED AT _____

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No. 43-R-0498

APPLICATION BY NONIMMIGRANT ALIEN
FOR REPLACEMENT OF ARRIVAL DOCUMENT

(READ INSTRUCTIONS (IN REVERSE))

Fee Stamp

1. I hereby apply for: (Check the appropriate box below to indicate the purpose of your application.)

- A ☐ REPLACEMENT OF LOST, MUTILATED, OR DESTROYED ARRIVAL-DEPARTURE RECORD (FORM I-94)
B ☐ REPLACEMENT OF LOST, MUTILATED, OR DESTROYED CREWMAN'S LANDING PERMIT (FORM I-95)
C ☐ REPLACEMENT OF INCORRECT ARRIVAL-DEPARTURE RECORD (FORM I-94) OR CREWMAN'S LANDING PERMIT (FORM I-95)

2. YOUR NAME	FAMILY NAME (Capital Letters) FIRST MIDDLE			4. Country of Citizenship
3. MAILING ADDRESS IN U. S.	Number and Street (Apt. No.) City State ZIP Code			
6. Means of Last Arrival in the U. S. (Name of Vessel, or Airline & Flight No., etc.)				7. Place (City) where transportation was boarded
8. Address Outside the United States (Number) (Street) (City) (Province or State) (Country)				
9. Date of Birth (Month)(Day)(Year)		10. Country of Birth		11. Place Visa Issued (City) (Country)
12. Date Visa Issued (Month)(Day)(Year)		13. Last Admitted to U.S. at (City) (State)		14. Date Last Admitted to U.S. (Month)(Day)(Year)
15. Name Used When Last Admitted to the U. S. (If same as item "2", write "Same")				
16. Status at Time of Admission ☐ Crewman ☐ Other (Specify)				17. Date to Which Stay Has Been Authorized (Month)(Day)(Year)

FILL IN THIS BLOCK IF YOU ARE APPLYING FOR REPLACEMENT OF YOUR ARRIVAL-DEPARTURE RECORD OR CREWMAN'S LANDING PERMIT

18. My Arrival-Departure Record or Crewman's Landing Permit became ☐ lost ☐ mutilated ☐ destroyed
on or about _____ at _____ under the following circumstances _____
(Date) (Place)

If my document is recovered or I ascertain its whereabouts, I will surrender it or report the facts to the Immigration and Naturalization Service.

SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT		SIGNATURE OF APPLICANT	
19. I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.		20. I certify that the above statements are true and correct to best of my knowledge and belief.	
Signature:		Complete signature of applicant:	
Address		Date signed:	

RECEIVED	TRANS. IN	RET.D. TRANS. OUT	COMPLETED

APPLICANT: DO NOT WRITE BELOW THIS LINE

Requesting Office		(By Searching Office)	
Date		☐ Record located; copy attached ☐ Unable to verify	
I recommend that application be ☐ Granted ☐ Denied			
_____ (Immigration Officer)		_____ (Date)	
Remarks:		Date Replacement Issued	
		DATE OF ACTION DD	
		DISTRICT	

INSTRUCTIONS

1. **HOW TO PREPARE** - Fill in, in single copy only, by typewriter, or print in block letters in ink.
2. **WHERE TO SUBMIT THIS APPLICATION** - You may mail this application or submit it in person to the Immigration office having jurisdiction over the place where you are residing in the United States.
3. **MUTILATED OR INACCURATE DOCUMENTS** - If you have a mutilated or inaccurate document in your possession, it must be attached to this application. If you checked Box "C" of item 1, there must be attached to this application a statement dated and signed by you citing specifically the information on your Form I-94 or I-95 that requires correction and the reason why such information is incorrect.
4. **FEE** - If you checked box "A" or "B" of item 1, a fee of five dollars (\$5) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. **DO NOT MAIL CASH.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any documents issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.
5. **PENALTIES** - Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact or using any false document in the submission of this application. Also, a false representation may result in the denial of this application and any other application you may make for any benefit under the immigration laws of the United States.

APPENDIX 10

STUDENT AND SCHOOL REGULATIONS

8 CFR 214.1(b)

8 CFR 214.2(f)

(b) Readmission of nonimmigrants under section 101(a)(15)(F), (J), or (M) to complete unexpired periods of previous admission or extension of stay-

(1) Section 101(a)(15)(F). The inspecting immigration officer shall readmit for duration of status as defined in § 214.2(f)(5)(iii), any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(F) of the Act, if the alien -

- (i) Is admissible;
- (ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;
- (iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and
- (iv) Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I-94, issued to the alien in connection with the previous admission or stay, the alien's Form I-20 ID copy, and either-

(A) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20 since the form was initially issued; or

(B) A new Form I-20A-E if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(2) Section 101(a)(15)(J). The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(J) of the Act, if the alien -

- (i) Is admissible;
- (ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;
- (iii) Is in possession of a valid passport unless exempt from the requirement for the presentation of a passport; and
- (iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay or copy three of the last Form IAP-66 issued to the alien, Form I-94 or Form IAP-66 must show the unexpired period of the alien's stay endorsed by the Service.

(3) Section 101(a)(15)(M). The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(M) of the Act, if the alien -

- (i) Is admissible;
- (ii) Is applying for readmission after an absence not exceeding thirty days solely in contiguous territory;
- (iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and
- (iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay, the alien's Form I-20 ID copy, and a properly endorsed page 4 of Form I-20M-N.

(f) Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs - (1) Admission of student - (i) Eligibility for admission. Except as provided in paragraph (f)(4) of this section, an alien seeking admission to the United States under section 101(a)(15)(F)(i) of the Act (as an F-1 student) and the student's accompanying F-2 spouse and minor children, if applicable, are not eligible for admission unless -

(A) The student presents a Certificate of Eligibility for Nonimmigrant (F-1) Student Status, Form I-20A-B, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa, unless the student is exempt from the requirement for presentation of a visa.

(ii) Disposition of Form I-20A-B. When a student is admitted to the United States, the inspecting officer shall forward Form I-20A-B to the Service's processing center. The processing center shall forward the Form I-20B to the school which issued the form to notify the school of the student's admission.

(2) Form I-20 ID copy. The first time an F-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20A-B properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Spouse and minor children following to join student. The F-2 spouse and minor children following to join an F-1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either-

(i) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

(ii) A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(4) Temporary absence - (i) General. An F-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either-

(A) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

(B) A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(ii) Student who transferred between schools. If an F-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

(5) Duration of status - (i) General. Subject to the condition that the alien's passport is valid for a minimum period of six months at all times while in the United States (including any automatic revalidation accorded by agreement between the United States and the country which issued the alien's passport) unless the alien is exempt from the requirement for presentation of a passport -

(A) Any alien admitted to the United States as an F-1 student is to be admitted for duration of status as defined in paragraph (f)(5)(iii) of this section; and

(B) Any alien granted a change of nonimmigrant classification to that of an F-1 student is considered to be in status for duration of status as defined in paragraph (f)(5)(iii) of this section.

(ii) Conversion to duration of status. Any F-1 student in a college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or in a language training program who is pursuing a full course of study and is otherwise in status as a student, is automatically granted duration of status. The dependent spouse and children of the student are also automatically granted duration of status if they are maintaining F-2 status. Any alien converted to duration of status under this paragraph need not present Form I-94 to the Service. This paragraph constitutes official notification of conversion to duration of status. The Service will issue a new Form I-94 to the alien when the alien comes into contact with the Service.

(iii) Meaning of duration of status. For purposes of this chapter, duration of status means the period during which the student is pursuing a full course of study in one educational program (e.g., elementary school, high school, bachelor's degree program, or master's degree program) and any period or periods of authorized practical training, plus thirty days following completion of the course of study or authorized practical training within which to depart from the United States. An F-1 student at an academic institution is considered to be in status during the summer if the student is eligible, and intends, to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer, however, is considered to be in status during that vacation provided that the student is eligible, and intends, to register for the next term and the student has completed the equivalent of an academic year prior to taking the vacation. An F-1 student who is compelled by illness to interrupt or reduce a course of study may be permitted to remain in the United States in duration of status for the time necessary to complete the course of study provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(6) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or professional objective. For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctor's, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. A "full course of study" as required by section 101(a)(15)(F)(i) of the Act means -

(i) Postgraduate study or postdoctoral study or research at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official as a full course of study;

(ii) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all undergraduate students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(iii) Study in a postsecondary language, liberal arts, fine arts, or other nonvocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iv) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week provided that the dominant part of the course of study consists of classroom instruction and twenty-two clock hours a week provided that the dominant part of the course of study consists of laboratory work; or

(v) Study in a primary or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(7) Extension of stay - (i) General. Any F-1 student who has completed or has been pursuing a full course of study in one educational program and who wishes to complete another educational program must apply for an extension of stay. Any F-1 student who has completed one educational program and who desires to complete another educational program at the same level of educational attainment, for example, a second master's degree, must also apply for an extension of stay. If the student also wishes to transfer to another school, the student must apply for a school transfer in the same application. If the student has not been pursuing a full course of study at the school the student was last authorized to attend, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(ii) Eligibility. An F-1 student may be granted an extension of stay if it is established that the student -

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(iii) Application. An F-1 student must apply for an extension of stay on Form I-538. A student's F-2 spouse and children desiring an extension of stay must be included in the application. A student's F-2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must be accompanied by the student's Form I-20 ID copy, and the Forms I-94 of the student's spouse and children, if applicable.

(iv) School transfer in conjunction with an application for extension of stay. If an F-1 student wishes to transfer to another school to pursue another educational program, the student's application for extension of stay and school transfer must be accompanied by Form I-20A-B properly and completely filled out by the student and by the designated official of the school the student wishes to attend. Sixty days after having filed an application for extension of stay and school transfer, an F-1 student may effect the transfer subject to approval or denial of the application. Any F-1 student who transfers without complying with this regulation or whose application is denied after transfer is considered to be out of status. If the application for transfer is approved, the approval of the transfer will be retroactive to the date of filing the application. The adjudicating officer shall endorse the name of the school to which the transfer has been authorized on the student's Form I-20 ID copy. The officer shall also endorse Form I-20B to indicate that a school transfer has been authorized and forward it with Form I-20A to the Service's processing center for file updating. The processing center shall forward Form I-20B to the school to which transfer has been authorized to notify the school of the action taken.

(v) Period of stay. If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be granted duration of status as defined in paragraph (f)(5)(iii) of this section.

(B) School transfer within the same educational program -

(i) Eligibility. An F-1 student is eligible to transfer to another school if the student -

(A) Is a bona fide nonimmigrant student;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure at school student was last authorized to attend. Except in conjunction with an application for extension of stay as provided in paragraph (f)(7) of this section, an F-1 student who wants to transfer between schools must obtain from the school to which the student intends to transfer a properly completed Form I-20A-B relating to the student's eligibility for F-1 status. The student must give the Form I-20A-B to the school the student was last authorized to attend. The designated official of the school which the student was last authorized to attend must -

(A) Endorse Form I-20 Transfer to reflect the fact that the student has indicated the intent to transfer between schools and to give the recommendation of the designated school official at the school the student was last authorized to attend concerning the proposed transfer and the reasons for that recommendation if it is negative;

(B) Submit the endorsed Form I-20 Transfer with Form I-20A to the Service's processing center within thirty days of the date the student gave the official the Form I-20A-B[;]

(C) Send Form I-20B to the school to which the student intends to transfer to notify that school that Form I-20 Transfer has been submitted to the Service; and

(D) Give to the student the student transfer copy of Form I-20 Transfer within thirty days of the date the student gave the official a copy of the Form I-20A-B.

(iii) Procedure at school to which the student transfers. Within thirty days of the date the student registers at the new school, the designated school official at that school must endorse the student's Form I-20 ID copy to indicate the name of the school to which the student has transferred and the name, title, and signature of the designated school official of that school.

(iv) General. Except as provided in paragraph (f)(7)(iv) of this section, an F-1 student is authorized to transfer from one approved school to another if the procedures described in paragraphs (f)(8)(ii) and (iii) of this section are followed. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, a student who transfers to another school without furnishing to the designated official of the school the student was last authorized to attend a properly completed Form I-20A-B from the school the student intends to attend is considered to be out of status. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, if the designated school official at the school the student was last authorized to attend does not follow the procedure described in paragraph (f)(8)(ii) of this section, the student is considered to be out of status unless the student reports this noncompliance with the regulations, in writing, to the Service office having jurisdiction over that school, within forty days of the date the student gave the official the copy of Form I-20A-B. Any student who does not enroll in the new school in the first term or session which begins after the student leaves the previous school is considered to be out of status; however, if the student is entitled to a vacation as provided in paragraph (f)(5)(iii) of this section, the student may enroll in the new school in the first term or session which begins after that vacation. If a student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, if a student transfers to an approved school other than the one to which the student initially indicated the intent to transfer, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(9) Employment. (i) On-campus employment. On-campus employment means employment performed on the school's premises. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study. An F-1 student may, therefore, engage in this kind of on-campus employment or any other on-campus employment which will not displace a United States resident. Employment authorized under this paragraph must not exceed twenty hours a week while school is in session. An F-1 student authorized to work under this paragraph however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. The student may not engage in on-campus employment after completion of the student's course or courses of study, except employment for practical training as authorized under paragraph (f)(10) of this section.

(ii) Application for off-campus employment. Off-campus employment is prohibited for students who remain in the United States in F-1 status for one year or less. Off-campus employment is also prohibited during the first year in the United States for students who remain in the United States in F-1 status for more than one year. If a student pursues more than one course of study, off-campus employment is prohibited only during the first year of study in the

United States. The first year of study means the first full year in the United States in bona fide F-1 status. A temporary absence of five months or less from the United States during the first full year does not disqualify an F-1 student from being eligible for employment authorization. An F-1 student in a program longer than one year must apply for employment authorization on Form I-538 accompanied by the student's Form I-20 ID copy. The student must submit the application to the office of this Service having jurisdiction over the school the student was last authorized to attend. The designated school official must certify on Form I-538 that the student -

- (A) Is in good standing as a student who is carrying a full course of study as defined in paragraph (f)(6) of this section;
- (B) Has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification;
- (C) Has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and
- (D) Has agreed not to work more than twenty hours a week when school is in session.

(iii) Conditions for off-campus employment. If off-campus employment is authorized, the adjudicating officer shall endorse the authorization on the student's Form I-20 ID copy and shall note the dates on which the employment authorization begins and ends. The employment authorization may be granted up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives his or her Form I-20 ID copy endorsed to that effect. Off-campus employment authorized under this section must not exceed twenty hours a week while school is in session. Any student authorized to work off-campus, however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. Permission to engage in off-campus employment is terminated when the student transfers from one school to another or when the need for that employment ceases. Furthermore, a student may not engage in off-campus employment after completion of the student's course or courses of study except as authorized under paragraph (f)(10) of this section.

(iv) Temporary absence of F-1 student granted off-campus employment authorization. If a student who has been granted off-campus employment authorization departs from the United States temporarily and is readmitted to the United States during the period of time when employment is authorized, the student may resume the previously authorized employment. The student must be returning to attend the same school the student was authorized to attend when permission to accept off-campus employment was granted.

(v) Effect of strike or other labor dispute. Authorization for all employment, whether or not part of an academic program, is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or a joint employer does business.

(vi) Spouse and children of F-1 student. The F-2 spouse and children of an F-1 student may not accept employment.

(10) Practical training - (i) When practical training may be authorized. Temporary employment for practical training may be authorized only -

(A) After completion of the course of study if the student intends to engage in only one course of study;

(B) After completion of at least one course of study if the student intends to engage in more than one course of study;

(C) After completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program;

(D) Before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field; or

(E) Before completion of the course of study during the student's annual vacation if recommended by the designated school official as beneficial to the student's academic program.

(ii) Application for practical training - (A) General. An F-1 student must apply for permission to accept or continue employment for practical training on Form I-538 accompanied by the student's Form I-20 ID copy. The designated school official must certify on Form I-538 that -

(1) The proposed employment is for the purpose of practical training;

(2) The proposed employment is related to the student's course of study;

(3) Upon the designated school official's information and belief,

employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(B) Application to accept practical training after completion of course of study. A student must file an application for permission to accept practical training after completion of a course of study not more than sixty days before completion of the course of study, nor more than thirty days after completion of the course of study. The application must be submitted to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training.

(C) Application to continue practical training after completion of course of study. A student must file an application for permission to continue employment for practical training after completion of a course of study at least fifteen days but not more than sixty days before the expiration of the applicant's currently authorized practical training. The application must be submitted to the Service office having jurisdiction over the actual place of employment. It must be accompanied by a letter from the applicant's employer stating the applicant's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the applicant's occupation.

(D) Application for practical training before completion of course of study. A student must submit an application for permission to engage in practical training before completion of the course of study to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training unless the student is applying for permission to continue practical training. In that case, the application must be accompanied by a letter from the student's employer stating the student's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the student's occupation.

(iii) Duration of practical training. If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I-20 ID copy and shall note on that form the dates on which the practical training permission begins and

ends. A student may engage in employment for practical training only when the student receives the Form I-20 ID copy endorsed to that effect. Provided that the student's course of study is of at least twelve months' duration, the Service may grant a student not in a language training program permission to accept temporary employment for practical training for six months or less if the student has not been offered temporary employment for practical training; for twelve months or less if the student has been offered temporary employment for practical training; or to continue temporary employment for practical training for eight months or less. The period of practical training which may be granted during a student's vacation, however, is limited to the length of the vacation rounded off to the closest number of months. A student may not be granted a period of practical training which would result in the student's being engaged in practical training for more than twelve months in the aggregate. When the course of study is of less than twelve months' duration, an F-1 student not in a language training program may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of the student's course of study. An F-1 student in a language training program may be granted employment for practical training for a period or periods of time equal to one month for each four months during which the student carried a full course of study at the school(s) the student was authorized to attend in the United States. Practical training authorized after completion of a course of study is deemed to commence on the date the student begins employment or sixty days after completion of the course of study, whichever is earlier. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the student is eligible. In such a case, the student may, upon graduation, apply for a change to another nonimmigrant classification which would permit the student's accepting employment.

(iv) Alternate work/study courses. An F-1 student enrolled in a college, university, conservatory or seminary having alternate work/study courses as a part of the regular curriculum available within the student's program of study may participate in those courses without obtaining a change of status and without obtaining permission to accept employment. Periods of actual off-campus employment which are part of a work/study program, however, are considered to be practical training. They, therefore, must be deducted from the total practical training time for which the student is eligible.

(v) Temporary absence of F-1 student granted practical training. An F-1 student who has been granted permission to accept employment for practical training and who departs from the United States temporarily, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(11) Decision on application for extension, permission to transfer to another school, or permission to accept or continue off-campus employment or practical training. The district director shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision.

(12) Reinstatement to student status - (i) General. A district director may consider reinstating to F-1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an F-1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if the student -

(A) Establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful F-1 status would result in extreme hardship to the student;

(B) Makes a written request for reinstatement accompanied by a properly completed Form I-20A-B from the school the student is attending or intends to attend and the student's Form I-20 ID copy;

(C) Is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20A-B;

(D) Has not been employed off-campus without authorization, or, as a full-time student, has continued on-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship or other on-campus employment which did not displace a United States resident after the expiration of the authorized period of stay; and

(E) Is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(ii) Decision. If the district director reinstates the student, the district director shall endorse Form I-20B and the student's Form I-20 ID copy to indicate that the student has been reinstated, return the Form I-20 ID copy to the student, and forward Form I-20B with Form I-20A to the Service's processing center for file updating. The processing center shall forward Form I-20B to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

(13) School code suffix on Form I-20A-B. Each school system, other than an elementary or secondary school system, approved prior to August 1, 1983 for attendance by F-1 students must assign permanent consecutive numbers to all schools within its system. The number of the school within the system which an F-1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I-20A-B (e.g., .001). If an F-1 student is attending or intends to attend an elementary or secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I-20A-B. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I-20A-B will be accepted after August 1, 1983 without the appropriate three-digit suffix.

(m) Students in established vocational or other recognized nonacademic institutions, other than in language training programs - (1) Admission of student - (i) Eligibility for admission. Except as provided in paragraph (m)(4) of this section, an alien seeking admission to the United States under section 101(a)(15)(M)(i) of the Act (as an M-1 student) and the student's accompanying M-2 spouse and minor children, if applicable, are not eligible for admission unless -

(A) The student presents a Certificate of Eligibility for Nonimmigrant (M-1) Student Status, Form I-20M-N, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa unless the student is exempt from the requirement for presentation of a visa.

(ii) Disposition of Form I-20M-N. When a student is admitted to the United States, the inspecting officer shall forward Form I-20M-N to the Service's processing center. The processing center shall forward Form I-20N to the school which issued the form to notify the school of the student's admission.

(2) Form I-20 ID copy. The first time an M-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20M-N properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Spouse and minor children following to join student. The M-2 spouse and minor children following to join an M-1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either -

(i) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or

(ii) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(4) Temporary absence - (i) General. An M-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either -

(A) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or

(B) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(ii) Student who transferred between schools. If an M-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

(5) Period of stay. An alien admitted to the United States as an M-1 student is to be admitted for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less. An alien granted a change of nonimmigrant classification to that of an M-1 student is to be given an extension of stay for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less.

(6) Conversion to M-1 status of students in established vocational or other recognized nonacademic institutions, other than in language training programs, who were F-1 students prior to June 1, 1982. A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is in status as an F-1 student under section 101(a)(15)(F)(i) of the Act in effect prior to June 1, 1982 and the student's F-2 spouse and children, if applicable, are -

(i) Automatically converted to M-1 and M-2 status respectively; and

(ii) Limited to the authorized period of stay shown on their Forms I-94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(7) Period of stay of student already in M-1 status. A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is already in M-1 status and the student's M-2 spouse and children, if applicable, are limited to the authorized period of stay shown on their Forms I-94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(8) Issuance of new I-94. A nonimmigrant whose status is affected by paragraph (m)(6) or (m)(7) of this section need not present Form I-94 to the Service. Either paragraph constitutes official notification to a student whose status is affected by it of that status. The Service will issue a new Form I-94 to an alien whose status is affected by either paragraph when that alien comes into contact with the Service.

(9) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A "full course of study" as required by section 101(a)(15)(M)(i) of the Act means -

(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) and (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iii) Study in a vocational or other nonacademic curriculum, other than in a language training program except as provided in § 214.3(a)(2)(iv), certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or at least twenty-two clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(10) Extension of stay - (i) Eligibility. An M-1 student may be granted an extension of stay if it is established that the student -

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(ii) Application. An M-1 student must apply for an extension of stay on Form I-538. A student's M-2 spouse and children desiring an extension of stay must be included in the application. A student's M-2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must also be accompanied by the student's Form I-20 ID copy and the Forms I-94 of the student's spouse and children, if applicable.

(iii) Period of stay. If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be given an extension of stay for the period of time necessary to complete the course of study plus thirty days within which to depart from the United States or for one year, whichever is less. An M-1 student who has been compelled by illness to interrupt or reduce a course of study may be granted an extension of stay without being required to change nonimmigrant classification provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(11) School transfer - (i) Eligibility. An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school to which the student was initially admitted due to circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student -

(A) Is a bona fide nonimmigrant;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure. An M-1 student must apply for permission to transfer between schools on Form I-538 accompanied by the student's Form I-20 ID copy and the Forms I-94 of the student's spouse and children, if applicable. The Form I-538 must also be accompanied by Form I-20M-N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for

school transfer to the Service office having jurisdiction over the school the student was last authorized to attend. Sixty days after having filed an application for school transfer, an M-1 student may effect the transfer subject to approval or denial of the application. An M-1 student who transfers without complying with this regulation or whose application is denied after transfer pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be retroactive to the date of filing the application, and the student will be granted an extension of stay for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less. The adjudicating officer must endorse the name of the school to which transfer is authorized on the student's Form I-20 ID copy. The officer must also endorse Form I-20N to indicate that a school transfer has been authorized and forward it with Form I-20M to the Service's processing center for file updating. The processing center shall forward Form I-20N to the school to which the transfer has been authorized to notify the school of the action taken.

(iii) Student who has not been pursuing a full course of study. If an M-1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status under paragraph (m)(16) of this section.

(12) Change in educational objective. An M-1 student may not change educational objective.

(13) Employment. Except as provided in paragraph (m)(14) of this section, M-1 students may not accept employment. A student already in M-1 status on August 1, 1983 or a student converted to M-1 status under paragraph (m)(6) of this section who was authorized off-campus employment under the regulations previously in effect, however, may continue to work until the date of expiration of the previously authorized period of employment. The M-2 spouse and children of an M-1 student may not accept employment.

(14) Practical training - (i) When practical training may be authorized. Temporary employment for practical training may be authorized only after completion of the student's course of study.

(ii) Application. An M-1 student must apply for permission to accept employment for practical training on Form I-538 accompanied by the student's Form I-20 ID copy. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend. The application must be submitted prior to the expiration of the student's authorized period of stay and not more than sixty days before nor more than thirty days after completion of the course of study. The designated school official must certify on Form I-538 that -

(A) The proposed employment is recommended for the purpose of practical training;

(B) The proposed employment is related to the student's course of study; and

(C) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(iii) Duration of practical training. If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I-20 ID copy and shall note the dates on which the practical training permission begins and ends. The

student has permission to engage in employment for practical training only if and when the student receives the Form I-20 ID copy endorsed to that effect. The student may be granted one period of practical training for a period of time equal to one month for each four months during which the student pursued a full course of study, but not to exceed six months, plus an additional thirty days within which to depart from the United States. Permission to accept employment may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible.

(iv) Temporary absence of M-1 student granted practical training. An M-1 student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(v) Effect of strike or other labor dispute. Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or joint employer does business.

(15) Decision on application for extension, permission to transfer to another school, or permission to accept employment for practical training. The district director shall notify the applicant of the decision and, if the application is denied, of the reason(s) for the denial. The applicant may not appeal the decision.

(16) Reinstatement to student status - (i) General. A district director may consider reinstating to M-1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an M-1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if -

(A) The student establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful M-1 status would result in extreme hardship to the student;

(B) The student makes a written request for reinstatement accompanied by a properly completed Form I-20M-N from the school the student is attending or intends to attend and the student's Form I-20 ID copy;

(C) The student is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20M-N;

(D) The student has not been employed without authorization; and

(E) The student is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(11) Decision. If the district director reinstates the student, the district director shall endorse Form I-20N and the student's Form I-20 ID copy to indicate that the student has been reinstated, return the Form I-20 ID copy to the student, and forward Form I-20N with Form I-20M to the Service's processing center for file updating. The processing center shall forward Form I-20N to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

(17) School code suffix on Form I-20M-N. Each school system, other than a secondary school system, approved prior to August 1, 1983 for attendance by M-1 students must assign permanent consecutive numbers to all schools within its system. The number of the school within the system which an M-1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I-20M-N (e.g., .001). If an M-1 student is attending or intends to attend a secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I-20M-N. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I-20M-N will be accepted after August 1, 1983 without the appropriate three-digit suffix.

§ 214.3 Petitions for approval of schools.

(a) Filing petition - (1) General. A school or school system seeking approval for attendance by nonimmigrant students under sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act, or both, shall file a petition on Form I-17 with the district director having jurisdiction over the place in which the school or school system is located. Separate petitions are required for different schools in the same school system located within the jurisdiction of different district directors. A petition by a school system must specifically identify by name and address those schools included in the petition. The petition must also state whether the school or school system is seeking approval for attendance of nonimmigrant students under section 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act, or both.

(2) Approval for F-1 or M-1 classification, or both - (i) F-1 classification. The following schools may be approved for attendance by nonimmigrant students under section 101(a)(15)(F)(i) of the Act:

(A) A college or university, i.e., an institution of higher learning which awards recognized bachelor's, master's, doctor's or professional degrees.

(B) A community college or junior college which provides instruction in the liberal arts or in the professions and which awards recognized associate degrees.

(C) A seminary.

(D) A conservatory.

(E) An academic high school.

(F) An elementary school.

(G) An institution which provides language training, instruction in the liberal arts or fine arts, instruction in the professions, or instruction or training in more than one of these disciplines.

(ii) M-1 classification. The following schools are considered to be vocational or nonacademic institutions and may be approved for attendance by nonimmigrant students under section 101(a)(15)(M)(i) of the Act:

(A) A community college or junior college which provides vocational or technical training and which awards recognized associate degrees.

(B) A vocational high school.

(C) A school which provides vocational or nonacademic training other than language training.

(iii) Both F-1 and M-1 classification. A school may be approved for attendance by nonimmigrant students under both sections 101(a)(15)(F)(i) and 101(a)(15)(M)(i) of the Act if it has both instruction in the liberal arts, fine arts, language, religion, or the professions and vocational or technical training. In that case, a student whose primary intent is to pursue studies in liberal arts, fine arts, language, religion, or the professions at the school is classified as a nonimmigrant under section 101(a)(15)(F)(i) of the Act. A student whose primary intent is to pursue vocational or technical training at the school is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

(iv) English language training for a vocational student. A student whose primary intent is to pursue vocational or technical training who takes English language training at the same school solely for the purpose of being able to understand the vocational or technical course of study is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

(b) Supporting documents. A petitioning school or school system owned and operated as a public educational institution or system by the United States or

a State or a political subdivision thereof shall submit a certification to that effect signed by the appropriate public official who shall certify that he is authorized to do so. A petitioning private or parochial elementary or secondary school system shall submit a certification signed by the appropriate public official who shall certify that he is authorized to do so to the effect that it meets the requirements of the State or local public educational system. Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he is authorized to do so to the effect that it is licensed, approved, or accredited. In lieu of such certification a school which is recognized by a State-approving agency as an "Educational institution" for study for veterans under the provisions of Pub. L. 550 (82d Congress) may submit a statement of recognition signed by the appropriate official of the State approving agency who shall certify that he is authorized to do so. A charter shall not be considered a license, approval or accreditation. Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or a political subdivision thereof, or by a school listed in the current Department of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities," or by a secondary school operated by or as part of a school so listed, a school catalog, if one is issued, shall also be submitted with each petition. If not included in the catalogue, or if a catalogue is not issued, the school shall furnish a written statement containing information concerning the: (1) Size of its physical plant; (2) nature of its facilities for study and training; (3) educational, vocational or professional qualifications of the teaching staff; (4) salaries of the teachers; (5) attendance and scholastic grading policy; (6) amount and character of supervisory and consultative services available to students and trainees; and (7) finances (including a certified copy of accountant's last statement of school's net worth, income, and expenses). If the petitioner is a vocational, business, or language school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character. If the petitioner is an institution of higher education and is not within category (1) or (2) of paragraph (c) of this section, it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of paragraph (c) of this section. If the petitioner is an elementary or secondary school and is not within category (1) or (3) of paragraph (c) of this section, it must submit evidence that attendance at the petitioning institution satisfies the compulsory attendance requirements of the State in which it is located and that the petitioning school qualifies graduates for acceptance by schools of higher educational level within category (1), (2), or (3) of paragraph (c) of this section.

(c) Consultation with U.S. Department of Education. The U.S. Department of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned and operated as a public

educational institution by the United States or a State or political subdivision thereof; (2) a school listed in the current U.S. Department of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities"; or (3) a secondary school operated by or as part of an institution of higher learning listed in the current U.S. Department of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities". Before a decision is made on a petition filed by any other school, the district director shall consult the U.S. Department of Education by transmitting to that Department the petition, supporting documents and any report of interview or other inquiry conducted by the Service, with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses.

(d) Interview of petitioner. An authorized representative of the petitioner shall appear in person before an immigration officer prior to the adjudication of the petition to be interviewed under oath concerning the eligibility of the school for approval. An interview may be waived by the district director if the school is within the category (1), (2), or (3) of paragraph (c) of this section.

(e) Approval of petition - (1) Eligibility. To be eligible for approval, the petitioner must establish that -

- (i) It is a bona fide school;
- (ii) It is an established institution of learning or other recognized place of study;
- (iii) It possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and
- (iv) It is, in fact, engaged in instruction in those courses.

(2) General. Upon approval of a petition, the district director shall notify the petitioner. The approval of a school for attendance by nonimmigrant students is valid only as long as the school continues to operate in the manner represented on the petition. The approval is also valid only for the type of student, i.e., F-1 or M-1 or both, specified in the approval notice. The approval may be withdrawn in accordance with the provisions of § 214.4.

(f) Denial of petition. If the petition is denied, the petitioner shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(g) Record-keeping and reporting requirements - (1) Record-keeping requirements. An approved school must keep records containing certain specific information and documents relating to each F-1 or M-1 student to whom it has issued a Form I-20A or I-20M while the student is attending the school and until the school notifies the Service, in accordance with the requirements of paragraph (g)(2) of this section, that the student is not pursuing a full course of study. The school must keep a record of having complied with the reporting requirements for at least one year. If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status. The designated school official must make the information and documents required by this paragraph available to and furnish them to any Service officer upon request.

The information and documents which the school must keep on each student are as follows:

- (i) The admission number from the student's Form I-20 ID copy.
- (ii) Country of citizenship.
- (iii) Address and telephone number.
- (iv) Status, i.e., full-time or part-time.
- (v) Course load.
- (vi) Date of commencement of studies.
- (vii) Degree program and field of study.
- (viii) Expected date of completion.
- (ix) Nonimmigrant classification.
- (x) Termination date and reason, if known.
- (xi) The documents referred to in paragraph (k) of this section.
- (xii) Information specified by the Service as necessary to identify the student, such as date and place of birth, and to determine the student's immigration status.

(2) Reporting requirements. At intervals specified by the Service but not more frequently than once a term or session, the Service's processing center shall send each school (to the address given on Form I-17 as to that which the list should be sent) a list of all F-1 and M-1 students who, according to Service records, are attending that school. A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current addresses of all F-1 or M-1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service's processing center within sixty days of the date of the request.

(h) Review of school approvals - (1) Regular review of school approvals. The district director shall review from time to time the approval granted to each school in his or her district. The purpose of the review is to determine whether the school meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. The district director may require each school whose approval is reviewed to furnish a currently executed Form I-17 as a petition for continuation of school approval without fee together with the supporting documents specified in paragraph (b) of this section. If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with § 214.4(b).

(2) One-time recertification process - (i) General. Beginning on August 1, 1983, the Service shall notify, in writing, each approved school that it must submit a petition for continuation of its school approval. Within sixty days of receipt of the notification, each school desiring to continue its approval must submit to the Service -

- (A) Form I-17 without fee;
- (B) The names, titles, and sample signatures of its designated officials as defined in paragraph (1)(1) of this section;
- (C) A statement signed by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 248.1(c), 248.1(d), 248.3(b), and 248.3(d); the Service regulations relating to school

approval, namely this section; and the Service regulations relating to withdrawal of school approval, namely § 214.4; and affirming the official's intent to comply with these regulations; and

(D) The supporting documents specified in paragraph (b) of this section.

(1) Withdrawal of school approval. The purpose of the one-time recertification process is to enable the Service to update its records and review the approval of each school desiring to continue its approval to determine whether it meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. If, upon completion of the review, the Service finds that the approval should not be continued, the district director having jurisdiction over the school shall institute withdrawal proceedings in accordance with § 214.4(b). If an approved school fails to submit a petition for continuation of school approval in accordance with this paragraph, its approval will be automatically withdrawn. The district director shall advise the school of an automatic withdrawal of a school's approval pursuant to this paragraph. The effective date of the withdrawal is the date of the notice of that withdrawal. Automatic withdrawal of the school's approval is without prejudice to consideration of a new petition for school approval.

(i) Administration of student regulations by the Immigration and Naturalization Service. District directors in the field shall be responsible for conducting periodic reviews on the campuses under the jurisdiction of their offices to determine whether students are complying with Service regulations including keeping their passports valid for a period of six months at all times when required. Service officers shall take appropriate action regarding violations of the regulations.

(j) Advertising. In any advertisement, catalogue, brochure, pamphlet, literature, or other material hereafter printed or reprinted by or for an approved school, any statement which may appear in such material concerning approval for attendance by nonimmigrant students shall be limited solely to the following: This school is authorized under Federal law to enroll nonimmigrant alien students.

(k) Issuance of Certificate of Eligibility. A designated official of a school that has been approved for attendance by nonimmigrant students must certify Form I-20A or I-20M, but only after page 1 has been completed in full. A Form I-20A-B or I-20M-N issued by an approved school system must state which school within the system the student will attend. The form must be issued in the United States. Only a designated official shall issue a Certificate of Eligibility, Form I-20A-B or I-20M-N, to a prospective student and only after the following conditions are met:

(1) The prospective student has made a written application to the school.

(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.

(4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study.

(l) Designated official - (1) Meaning of term "designated official".

As used in §§ 214.1(b), 214.2(f), 214.2(m), 214.4 and this section, a "designated official" or "designated school official" means a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. An individual whose principal obligation to the school is to

recruit foreign students for compensation does not qualify as a designated official. The president, owner, or head of a school or school system must designate a designated official. The designated official may not delegate this designation to any other person. Each school or institution may have up to five designated officials at any one time. In a multi-campus institution, each campus may have up to five designated officials at any one time. In an elementary or secondary school system, however, the entire school system is limited to five designated officials at any one time.

(2) Name, title, and sample signature. Petitions for school approval must include the names, titles, and sample signatures of designated officials. An approved school must report to the Service office having jurisdiction over it any changes in designated officials and furnish the name, title, and sample signature of the new designated official within thirty days of each change.

(3) Statement of designated official. A petition for school approval must include a statement by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 248.1(c), 248.1(d), 248.3(b), and 248.3(d); the Service regulations relating to school approval, namely this section and the regulations relating to withdrawal of school approval namely, § 214.4; and affirming the official's intent to comply with these regulations. An approved school must also submit to the Service office having jurisdiction over it such a statement from any new designated official within thirty days of each change in designated official.

§ 214.4 Withdrawal of school approval.

(a) General - (1) Withdrawal on notice. If a school's approval is withdrawn on notice as provided in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) of this section, the school is not eligible to file another petition for school approval until at least one year after the effective date of the withdrawal. The approval by the Service, pursuant to sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) or both, of the Act, of a petition by a school or school system for the attendance of nonimmigrant students will be withdrawn on notice if the school or school system is no longer entitled to the approval for any valid and substantive reason including, but not limited to, the following:

- (i) Failure to comply with § 214.3(g)(1) without a subpoena.
- (ii) Failure to comply with § 214.3(g)(2).
- (iii) Failure of a designated official to notify the Service that an F-1 student intends to transfer to another school as required by § 214.2(f)(8)(ii).
- (iv) Willful issuance by a designated official of a false statement or certification in connection with a school transfer or an application for employment or practical training.
- (v) Any conduct on the part of a designated official which does not comply with the regulations.
- (vi) The designation as a designated official of an individual who does not meet the requirements of § 214.3(l)(1).
- (vii) Failure to provide the Service with the names, titles, and sample signatures of designated officials as required by § 214.3(l)(2).
- (viii) Failure to submit statements of designated officials as required by § 214.3(l)(3).
- (ix) Issuance of Forms I-20A or I-20M to students without receipt of proof that the students have met scholastic, language or financial requirements.
- (x) Issuance of Forms I-20A or I-20M to aliens who will not be enrolled in or carry full courses of study as defined in §§ 214.2(f)(6) or 214.2(m)(9).
- (xi) Failure to operate as a bona fide institution of learning.
- (xii) Failure to employ qualified professional personnel.
- (xiii) Failure to limit its advertising in the manner prescribed in § 214.3(j).
- (xiv) Failure to maintain proper facilities for instruction.
- (xv) Failure to maintain accreditation or licensing necessary to qualify graduates as represented in the petition.
- (xvi) Failure to maintain the physical plant, curriculum, and teaching staff in the manner represented in the petition for school approval.
- (xvi) Failure to comply with the procedures for issuance of Forms I-20A or I-20M as set forth in § 214.3(k).

(2) Automatic withdrawal. If an approved school terminates its operations, approval will be automatically withdrawn as of the date of termination of the operations. If an approved school changes ownership, approval will be automatically withdrawn sixty days after the change of ownership unless the school files a new petition for school approval within sixty days of that change of ownership. The district director must review the petition to determine whether the school still meets the eligibility requirements of § 214.3(e). If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with paragraph (b) of this section. Automatic withdrawal of a school's approval is without prejudice to consideration of a new petition for school approval.

(b) Notice. Whenever a district director has reason to believe that an approved school or school system in his district is no longer entitled to approval, a proceeding shall be commenced by service upon its authorized representative of notice of intention to withdraw the approval. The notice shall inform the authorized representative of the school or school system of the grounds upon which it is intended to withdraw its approval. In such a proceeding the authorized representative of the school or school system shall be known as the respondent. The notice shall also inform the respondent that he may, within 30 days of the date of service of the notice, submit written representations under oath supported by documentary evidence setting forth reasons why the approval should not be withdrawn, and that he may, within such period, request a hearing before a special inquiry officer in support of, or in lieu of his written answer. The respondent shall further be informed that he may have the assistance of or be represented by counsel or representative of his choice qualified under Part 292 of this chapter, without exoense to the Government, in the preparation of his answer or in connection with his hearing, and that he may present such evidence in his behalf as may be relevant to the withdrawal.

(c) Allegations admitted; no answer filed; no hearing requested. If the answer admits all the allegations in the notice, or if no answer is filed within the 30-day period, or if no hearing is requested within such period, the district director shall withdraw the approval previously granted and shall notify the respondent of the decision. No appeal shall lie from the district director's decision.

(d) Allegations contested or denied; hearing requested. If, within the prescribed time following service of the notice pursuant to paragraph (b) of this section, the respondent has filed an answer which contests or denies any allegation in the notice, or a hearing is requested, a hearing pursuant to paragraph (f) of this section shall be conducted by a special inquiry officer and the procedures specified in §§ 242.10, 242.13, 242.14 (c), (d), and (e), and 242.15 of this chapter shall apply.

(e) Special inquiry officer's authority; withdrawal and substitution. In any proceeding conducted under this section, the special inquiry officer shall have authority to interrogate, examine, and cross-examine the respondent and other witnesses, to receive evidence, to determine whether approval shall be withdrawn, to make decisions thereon, including an appropriate order, and to take any other action consistent with applicable provisions of law and regulations as may be appropriate to the disposition of the case. The special inquiry officer may, in his discretion, consider any information and views furnished by the Department of Education of the United States, which shall be made part of the record of proceedings and may be rebutted by the respondent. Nothing contained in this section shall be construed to diminish the authority conferred on special inquiry officers by the Act. The special inquiry officer assigned to conduct a hearing shall, at any time, withdraw if he deems himself disqualified. If a hearing has begun but no evidence has been adduced other than the notice and answer, if any, pursuant to paragraphs (b) and (d) of this section, or if a special inquiry officer becomes unavailable to complete his duties within a reasonable time, or if at any time the respondent consents to a substitution, another special inquiry officer may be assigned to complete the case. The new special inquiry officer shall familiarize himself with the record in the case and shall state for the record that he has done so.

(f) Hearing--(1) Trial attorney. The Government shall be represented at the hearing by a trial attorney who shall have authority to present evidence, and to interrogate, examine, and cross-examine the respondent and other

witnesses. The trial attorney is authorized to appeal from a decision of the special inquiry officer pursuant to paragraph (j) of this section and to move for reopening or reconsideration pursuant to paragraph (k) of this section.

(2) Opening. The special inquiry officer shall advise the respondent of the nature of the proceeding and the legal authority under which it is conducted; advise the respondent of his right to representation, at no expense to the Government, by counsel of his own choice qualified under Part 292 of this chapter, and require him to state then and there whether he desires representation; advise the respondent that he will have a reasonable opportunity to examine and object to the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; place the respondent under oath; read the allegations in the notice to the respondent and explain them in nontechnical language, and enter the notice and respondent's answer, if any, as exhibits in the record.

(3) Pleading by respondent. The special inquiry officer shall require the respondent to state for the record whether he admits or denies the allegations contained in the notice, or any of them, and whether he concedes that the approval of the petition by the school or school system for the attendance of nonimmigrant students should be withdrawn. If the respondent admits all of the allegations and concedes that the approval in his case should be withdrawn under the allegations set forth in the notice, and the special inquiry officer is satisfied that no issues of law or fact remain, he may determine that cause for withdrawal as alleged has been established by the respondent's admissions. The allegations contained in the notice shall be taken as admitted when the respondent, without reasonable cause, fails or refuses to attend or remain in attendance at the hearing.

(g) Decision and order. The decision of the special inquiry officer may be oral or written. Except when a determination of withdrawal is based on the respondent's admissions pursuant to paragraph (f)(3) of this section, the decision shall include a discussion of the evidence and findings as to withdrawal. The formal enumeration of findings is not required. The order shall direct either that the proceeding be terminated or that the approval be withdrawn.

(h) Notice of decision--(1) Written decision. A written decision shall be served upon the respondent and the trial attorney, together with the notice of the right to appeal pursuant to Part 103 of this chapter.

(2) Oral decision. An oral decision shall be stated by the special inquiry officer in the presence of the respondent and the trial attorney at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall be furnished with Notice of Appeal, Form I-290B, and advised of the provisions of paragraph (j) of this section. A typewritten copy of the oral decision shall be furnished at the request of the respondent or the trial attorney.

(i) Finality of order. The order of the special inquiry officer shall be final except when the case is certified to the regional commissioner as provided in Part 103 of this chapter or an appeal is taken to the regional commissioner by the respondent or the trial attorney.

(j) Appeals. Pursuant to Part 103 of this chapter, an appeal from a decision of a special inquiry officer under paragraph (g) of this section shall lie to the regional commissioner having jurisdiction over the district in which the proceeding was commenced. An appeal shall be taken within 15 days after the mailing of a written decision or the stating of an oral decision. The reasons for the appeal shall be stated briefly in the notice of appeal, Form I-290B; failure to do so may constitute a ground for dismissal of the appeal by the regional commissioner.

(k) Reopening or reconsideration. Except as otherwise provided in this section, a motion to reopen or reconsider shall be subject to the requirements of § 103.5 of this chapter. The special inquiry officer may upon his own motion, or upon motion of the trial attorney or the respondent, reopen or reconsider any case in which he has made a decision, unless jurisdiction in the case is vested in the regional commissioner under Part 103 of this chapter. A motion to reopen shall not be granted by a special inquiry officer unless he is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing.

(c) Change of nonimmigrant classification to that of a nonimmigrant student. A nonimmigrant applying for a change to classification as a student under sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act is not considered ineligible for such a change solely because the applicant may have started attendance at school before the application was submitted. The district director shall deny an application for a change to classification as a student under section 101(a)(15)(M)(i) of the Act if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of nonimmigrant classification to that of an alien temporary worker under section 101(a)(15)(H) of the Act. Furthermore, an alien may not change from classification as a student under section 101(a)(15)(M)(i) of the Act to that of a student under section 101(a)(15)(F)(i) of the Act.

(d) Application for change of nonimmigrant classification from that of a student under section 101(a)(15)(M)(i) to that described in section 101(a)(15)(H). A district director shall deny an application for change of nonimmigrant classification from that of an M-1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M-1 student enables the student to meet the qualifications for temporary worker classification under section 101(a)(15)(H) of the Act.

(b) Application and fee not required. For a change of nonimmigrant classification to a classification under section 101(a)(15)(A) or 101(a)(15)(G) of the Act, the Department of State must send a letter to the district director. For all other changes of nonimmigrant classification as described below, the applicant must submit a letter to the district director requesting the change of nonimmigrant classification. Neither an application nor a fee is required for the following changes of nonimmigrant classification:

(1) A change to classification under section 101(a)(15)(A) or (G) of the Act.

(2) A change to classification under sections 101(a)(15)(A) or (G) of the Act for an immediate family member, as defined in 22 CFR 41.1, of a principal alien whose status has been changed to such a classification.

(3) A change to the appropriate classification for the nonimmigrant spouse or child of an alien whose status has been changed to a classification under sections 101(a)(15)(E), (F), (H), (I), (J), (L), or (M) of the Act.

(4) A change of classification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section.

(5) A change of classification from that of a student under section 101(a)(15)(F)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa.

(6) A change from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) of the Act provided that the requisite Form I-129B visa petition has been filed and approved.

(7) A change from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(8) A change from classification as an intra-company transferee under section 101(a)(15)(L) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(9) A change of classification from that of a student under section 101(a)(15)(M)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(M)(ii) of the Act or vice versa.

(d) Change of classification not required. The following do not need to request a change of classification:

(1) An alien classified as a visitor for business under section 101(a)(15)(B) of the Act who intends to remain in the United States temporarily as a visitor for pleasure during the period of authorized admission; or

(2) An alien classified under sections 101(a)(15)(A) or 101(a)(15)(G) of the Act as a member of the immediate family of a principal alien classified under the same section, or an alien classified under section 101(a)(15)(E), (F), (H), (I), (J), (L), or (M) of the Act as the spouse or child who accompanied or followed to join a principal alien who is classified under the same section, to attend school in the United States, as long as the immediate family member, spouse or child continues to be qualified for and maintains the status under which the family member, spouse or child is classified.